

I7gnrav2

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

-----x

3 ENRICHETTA RAVINA,

4 Plaintiff,

5 v.

16 CV 2137 (RA)

6 COLUMBIA UNIVERSITY,

7 Defendant.

Jury Trial

8 -----x

9 New York, N.Y.

10 July 16, 2018

9:15 a.m.

11 Before:

12 HON. RONNIE ABRAMS

13 District Judge

14
15 APPEARANCES

16 SANFORD HEISLER SHARP LLP

17 Attorneys for Plaintiff

18 BY: DAVID W. SANFORD

19 ALEXANDRA HARWIN

MELINDA L. KOSTER

20 AMY DONEHOWER

HERBERT V. McKNIGHT

ANDREW C. MELZER

21 PROSKAUER ROSE LLP

22 Attorneys for Defendants

23 BY: BETTINA B. PLEVAN

RACHEL S. FISCHER

24 STEVEN D. HURD

PATRICK KRAMER RICE

25 HERNSTADT ATLAS PLLC

Attorneys for Defendant Bekaert

BY: EDWARD HERNSTADT

I7gnrav2

1 (Trial resumed)

2 (Jury not present)

3 THE COURT: Good morning, everyone. You can be
4 seated. Thank you. All right.

5 So first things first: Mr. Hernstadt, is there
6 anything else you wanted us ask to ask of the juror. I know
7 you said you wanted to get back to us on Monday about that.

8 MR. HERNSTADT: Yes, could we do a sidebar on that.

9 THE COURT: Do you want to do it right now?

10 MR. HERNSTADT: Now, sure.

11 (Page 1168 sealed)

12

13

14

15

16

17

18

19

20

21

22

23

24

25

I7gnrav2

1 THE COURT: Which designations should we talk about
2 next?

3 MS. HARWIN: I believe the ones that are pending are
4 Stephen Zeldes, Kathy Phillips, Gita Johar, and Janet Horan.

5 THE COURT: That's correct. I am just asking, in
6 terms of order, which one would you like to address first?
7 Just address the ones you think you might use first.

8 MS. HARWIN: I believe defendants were planning to
9 call Senior Vice Dean Johar only by deposition so it may make
10 sense to do that one first.

11 THE COURT: All right.

12 On this I think the first objected-to portion was page
13 23.

14 Why is this relevant, the portion on 23?

15 MS. HARWIN: Are you referring to has anyone else
16 served in that role?

17 THE COURT: Yes.

18 I thought that was objected to from lines 3 to 20. My
19 question is, what is the relevancy of this portion?

20 MS. FISCHER: We just think this is background, like
21 Ms. Harwin said, Ms. Johar is not testifying here in person.
22 And so this just shows, you know, when she was in that role,
23 and we just thought it was relevant background to her position.

24 THE COURT: And what's the prejudice from this? I
25 think you cited 403 as well.

I7gnrav2

1 MS. HARWIN: I think it's confusing and it's
2 unnecessary. It doesn't relate to anything that is the subject
3 of her testimony.

4 THE COURT: I am going to allow it as background. I
5 don't see any harm in it. It's marginally probative just to
6 provide context for how long she was in the position.

7 All right.

8 Then on page 69 we have an objection to lines 11
9 through 22.

10 What does it matter how many other instances there
11 were in the past 25 years of faculty members issuing a joint
12 statement?

13 MS. HARWIN: It goes to the irregularities in the
14 process, that this was an unprecedented event, what is going on
15 at the business school with respect to these petitions. This
16 wasn't a routine, typical part of ordinary tenure
17 deliberations. It was a quite unusual circumstance. It's
18 probative as well on the issue of pretext.

19 MS. FISCHER: If I would just note that Professor
20 Johar, at the time Vice Dean Johar, she was not in plaintiff's
21 division. So, first of all, there is a relevance issue because
22 if we are talking about objections to tenure she was in a
23 totally different division. So what she may have seen in that
24 role wouldn't be relevant here. That's one.

25 And, two, I don't think it goes to irregularities. I

I7gnrav2

1 mean, I just think it's not relevant. I don't think it goes to
2 irregularities as they'll be described in the testimony. I
3 think it's confusing and potentially prejudicial, particularly
4 from someone who is coming from a different division, who would
5 have seen different tenure processes and procedures.

6 MS. HARWIN: Your Honor, this wasn't just a member of
7 a different division. She was on the executive committee of
8 the Columbia Business School. She was a member of that
9 governing body. She served as the vice dean and see served as
10 the senior vice dean.

11 MS. FISCHER: And that is a three-year term. So, even
12 if that were true, and if that is now the stated relevance,
13 then it is even less relevant because the testimony was it is a
14 three-year term as vice dean.

15 THE COURT: In any event, I do think this is unduly
16 prejudicial. We have talked about these petitions numerous
17 times. I am allowing in the fact that there was a petition,
18 but whether or not faculty members have issued a joint
19 statement of this sort in the past is not probative of whether
20 what is alleged to have happened actually happened, number one.
21 And I do think as to pretext or retaliation this is unduly
22 prejudicial. So I am not going to allow this in.

23 Let's go to page 70.

24 So we have lines 5 through 19.

25 MS. FISCHER: I have different line numbers, just a

I7gnrav2

1 little.

2 THE COURT: From page 70, you don't have 5 through 19?
3 You tell me what you have.

4 MS. FISCHER: I have 67:12 to 68:1.

5 Is that right?

6 MS. HARWIN: I think your Honor has the right numbers.

7 THE COURT: We just talked about page 69 and now we
8 are on page 70. Did I miss something on page 67?

9 MS. HARWIN: I don't believe so, your Honor.

10 THE COURT: I have already allowed in the petitions,
11 which is what Exhibits 26 and 27 are.

12 I think that they're Exhibits 160 and 130.

13 MS. FISCHER: So again here we are asking for
14 Professor Johar's opinion. She was no longer the vice dean
15 when these petitions were sent. So this is another example of
16 asking somebody at the time these petitions were sent her view.
17 She was no longer in the executive committee. So her view on
18 something that was never before her, never came to her because
19 she was out of the role at the time that these were provided, I
20 don't believe that that would be relevant at all.

21 MS. HARWIN: Senior Vice Dean Johar had served on the
22 promotion and tenure committee before. It is a question about
23 the considerations properly before the promotion and tenure
24 committee.

25 MS. FISCHER: But, again, this is something that was

I7gnrav2

1 never before her. Now it is after the fact, should this be
2 considered or not. It's possible she would have had a
3 different view than people who were on the committee at the
4 relevant time, but what does it matter? It was never before
5 her.

6 THE COURT: Just a second, please.

7 So, this is opinion testimony by a lay witness
8 pursuant to Rule 701, is that right? Is that the purpose or
9 the rule pursuant to which it's being offered?

10 MS. FISCHER: That is one of our objections.

11 MS. HARWIN: Her testimony is provided as someone who
12 has been a senior administrator at the university, who was on
13 the promotion and tenure committee, as to what her view is as
14 to appropriate considerations before that committee.

15 MS. FISCHER: While she was on the committee, it was
16 is prior to when these petitions were presented. I think it's
17 confusing and it's really not relevant. The whole argument we
18 have heard from plaintiff is these petitions were relevant
19 because they were the notice. Well, she wasn't on the
20 committee at the relevant times.

21 THE COURT: I am not going to allow the testimony on
22 page 70 for that reason.

23 77, lines 5 through 9.

24 MS. HARWIN: These are lines concerning the Senior
25 Vice Dean Johar's perception of the e-mail she reviewed in

I7gnrav2

1 connection with Professor Ravina's complaint.

2 THE COURT: That is precisely the jury's job, to
3 determine whether the e-mails. I assume these are e-mails sent
4 by Professor Bekaert, whether they're demeaning, whether they
5 constitute harassment, and/or retaliation. So I'm not going to
6 allow in 77.

7 MS. HARWIN: Your Honor, it goes to Columbia's notice.
8 Senior Vice Dean Johar was provided at this meeting with these
9 e-mails. She's testified she perceived them as demeaning.
10 Columbia's EOAA, which should have been triggered by these
11 e-mails, did not initiate an investigation until months later.
12 It's squarely relevant --

13 THE COURT: The jury will know she got the e-mails,
14 right. The jury will know that she got the e-mails, that
15 Columbia got the e-mails, and the jury will know when the
16 investigation was started.

17 Again, I feel like plaintiff has tried to tell the
18 same story through ten different witnesses' own perceptions of
19 how they characterize the conduct, but what really matters is
20 what the jury thinks of the conduct, and then when Columbia was
21 notified about it and what they did about it.

22 I mean, why does her personal view and that she said
23 they could be construed that way, why does that matter?

24 MS. HARWIN: Columbia's policies specifically discuss
25 demeaning communications or conduct. So having her on notice

I7gnrav2

1 that these are demeaning and how Columbia acts afterwards is
2 relevant to this. I will note additionally that defendants
3 have designated other testimony concerning her perception of
4 these e-mails.

5 THE COURT: OK. So show me those.

6 MS. HARWIN: If you look at the immediate prior
7 designation 76:18 through -- 76:18 through 4 is a description
8 of those e-mails again. And then, again, previously on 75:22:
9 "Did anything stand out to you in those e-mails?"

10 Defendant says, "Yes, they were rude."

11 "How were they rude?"

12 And then it goes on on the top of 76.

13 THE COURT: In light of that I will allow in lines 5
14 through 9 on page 77.

15 All right. Next is page 80. This is lines 19 on page
16 80 -- why don't we go in the first batch through 81, line 20.

17 MS. HARWIN: Your Honor, this is fine.

18 THE COURT: This is fine?

19 MS. HARWIN: Yes.

20 THE COURT: OK. So this will come in.

21 Then we have on page 81 starting at line 21.

22 MS. HARWIN: This is a further continuation of what
23 happened at that meeting.

24 MS. FISCHER: This is hearsay.

25 MS. HARWIN: This is about the nature of the report

I7gnrav2

1 being conveyed to Vice Dean Johar.

2 MS. FISCHER: Well then, it can't be offered for the
3 truth, first of all.

4 Second of all, you know, especially the lines toward
5 the end of that section, "Sitting here today after 25 years at
6 Columbia Business School," you know, I think that this goes
7 back to what we were talking about earlier. This is, you
8 know, --

9 THE COURT: All right. I will allow in up to line 17
10 on 82, "that I thought it was inappropriate." I will allow
11 that in. And then I think we go to 87.

12 87 is fine as well, taking out the objection.

13 It is more of, again, her reaction, and it seems like
14 both sides believe that testimony regarding her opinion about
15 the situation is relevant.

16 So, 87 will come in.

17 Now let's look at 90 and 91.

18 MS. HARWIN: The objection here is that this is sort
19 of wasting time. It is just some context that is not really
20 necessary here about sort of her general meetings with Dean
21 Hubbard. So we have a pretty limited objection.

22 THE COURT: What is the relevance to 90 and 91?

23 MS. FISCHER: I believe this is just relevant
24 background, you know, about how this is all coming to the
25 attention of the dean's office.

I7gnrav2

1 THE COURT: All right. I will allow it. I don't
2 think it's prejudicial in any way?

3 Then let's go to 103.

4 What is the relevance about complaints about a faculty
5 issues. I just want to make sure I understand this question.
6 Does this include this allegation?

7 MS. HARWIN: We understand this to not include this
8 allegation. So any other faculty issues.

9 MS. FISCHER: I don't see the relevance, and I think
10 it is a little unclear. And, you know, Professor Johar will be
11 here in person to provide clarification.

12 THE COURT: Yes. I think this will be confusing,
13 because it is not clear, in any event, if she's being asked
14 about this situation or another one.

15 MS. HARWIN: Your Honor, there's no dispute obviously
16 that she was aware of this one. So, you know, when she answers
17 not to my knowledge, I think it's pretty clear she's answering
18 not as to other issues.

19 MS. FISCHER: Can we get a proffer on the relevance.

20 MS. HARWIN: On this we also have --

21 THE COURT: The next page there is a more direct
22 question about this: "During your time at the university have
23 you been aware of any complaints of gender discrimination,
24 harassment, or retaliation beside Ms. Ravina's?

25 "Not that I can recall."

I7gnrav2

1 What's the relevance of that?

2 MS. HARWIN: We have other pending complaints,
3 including one against Professor Bekaert, brought shortly before
4 Professor Ravina's complaint against Professor Bekaert. So her
5 lack of awareness of that is pertinent. She was the senior
6 vice dean.

7 MS. FISCHER: I am not sure why that's pertinent. Can
8 we have an explanation?

9 MS. PLEVAN: Which page and line are we on?

10 THE COURT: Right now I was looking at 114, lines 12
11 through 17. Again, the purpose from your perspective
12 Ms. Harwin is that she should have known of this prior
13 complaint and that she didn't.

14 MS. HARWIN: Yes.

15 MS. PLEVAN: She says earlier she's not involved with
16 students.

17 THE COURT: She is testifying in person. In light of
18 that, I won't allow this in if she is not the person who would
19 have gotten student complaints.

20 MS. HARWIN: Your Honor, she was involved with
21 faculty, and so she certainly should have been aware of
22 complaints against faculty. This is not a complaint against a
23 student. It is a complaint against a senior tenured faculty
24 member, someone who she testified she met with every three
25 years regarding his work at Columbia.

I7gnrav2

1 THE COURT: Is there any dispute that she is a person
2 who should know about complaints about faculty members, given
3 her position?

4 MS. FISCHER: Well, to the extent the complaint was
5 not upheld, meaning the student dropped the issue, so I think
6 there would be a dispute about whether this would have properly
7 gone before her as an issue.

8 You know, plaintiff is trying to make the suggestion
9 that there's something negligent about this situation, when the
10 reality is and the testimony will show, if this comes up with
11 Mr. Dunn, that the student didn't pursue it. How is that
12 really relevant to show anything at all? I don't think it is.

13 THE COURT: I am not going to allow that. She
14 couldn't recall anyway. So I don't think it's especially
15 probative, and I do think it may be confusing given that the
16 complaint had been withdrawn.

17 Then we have 117. It sounds like, again, both sides
18 have designated her view of what happened.

19 Why is this any different?

20 MS. HARWIN: It is not, your Honor.

21 THE COURT: So I am going to allow in 117.

22 Then I think lastly is 127, lines 14 through 20.

23 I am going to allow in the lines on 127 as well.

24 So that's Johar's deposition designations. We will
25 bring the jury in and continue the testimony now.

I7gnrav2

1 We have four more we will work on one or two during
2 lunch and the rest at the end of the day if that's OK with
3 everyone.

4 MS. HARWIN: Thank you, your Honor.

5 THE COURT: Thank you. Do you want to bring --

6 MS. PLEVAN: The plaintiffs are now going to call
7 Mr. Dunn.

8 THE COURT: We are going out of order?

9 MS. PLEVAN: Yes.

10 THE COURT: All right. Thank you.

11 MS. PLEVAN: Should we bring him in.

12 THE COURT: Sure. How long do you anticipate Mr. Dunn's
13 testimony will be? Do you have any sense?

14 MS. FISCHER: Plaintiffs go first.

15 MS. HARWIN: We would anticipate probably going
16 through until lunch.

17 THE COURT: All right.

18 MS. FISCHER: Mr. Dunn is here.

19 THE COURT: All right. You can come on up.

20 Thank you.

21 (Continued on next page)

i7gnrav2

Dunn - Direct

1 (Jury present)

2 THE COURT: Good morning, everyone.

3 Everyone can be seated. So, just for scheduling
4 reasons, we are going a little bit out of order. And we are
5 going to take this witness next, and then we will resume
6 Professor Bekaert's testimony at a later date. But it is just
7 for scheduling reasons. Thank you.

8 MICHAEL K. DUNN,

9 called as a witness by the Plaintiff,

10 having been duly sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MS. HARWIN:

13 Q. Good morning, Mr. Dunn.

14 A. Good morning.

15 MS. HARWIN: Good morning, ladies and gentlemen of the
16 jury.

17 BY MS. HARWIN:

18 Q. Mr. Dunn, you were director of investigations and deputy
19 Title IX coordinator for Columbia University?

20 A. Yes. Within the Office of Equal Opportunity and
21 Affirmative Action.

22 Q. You were Columbia's investigator of investigations and
23 deputy Title IX coordinator from July 2013 to June 2015?

24 A. Yes, that's correct.

25 Q. As deputy Title IX coordinator, you were responsible for

i7gnrav2

Dunn - Direct

1 coordinating enforcement of federal law Title IX?

2 A. Yes. I was responsible for enforcing Columbia's policies
3 on discrimination and harassment.

4 Q. Title IX refers to the federal law that prohibits gender
5 discrimination in higher educational institutions that receive
6 federal funding, is that correct?

7 A. Yes.

8 Q. You investigated professor Ravina's complaint against
9 Professor Bekaert, correct?

10 A. Yes, I did.

11 Q. You also investigated another sexual harassment complaint
12 against Professor Bekaert?

13 A. Yes, I did.

14 Q. You completed your first sexual harassment investigation
15 into Professor Bekaert just a few months before you started to
16 investigate Professor Ravina's complaint against Professor
17 Bekaert, is that correct?

18 A. Yes, I believe that's correct.

19 Q. At the same time that you were investigating Professor
20 Ravina's complaint against Professor Bekaert, you were also
21 conducting sexual harassment investigations into some other
22 male professors at Columbia Business School, is that correct?

23 A. Yes, it is.

24 Q. I would like to talk for a little bit about your
25 professional background.

i7gnrav2

Dunn - Direct

1 MS. HARWIN: I would move to admit Defendant's Exhibit
2 C.

3 THE COURT: Any objection?

4 MS. FISCHER: The screens are not working.

5 THE COURT: Just a minute on the screens.

6 MS. FISCHER: No objection.

7 THE COURT: C will be admitted.

8 (Defendants' Exhibit C received in evidence)

9 BY MS. HARWIN:

10 Q. Director Dunn, do you recognize Defendant's Exhibit C?

11 A. Yes, I do.

12 Q. Is this your résumé?

13 A. Yes, it is.

14 Q. Let's turn to the second page of your résumé. Before you
15 became Columbia University's director of investigations in July
16 2013, you worked in Columbia's center for student advising,
17 student affairs?

18 A. Yes.

19 Q. Is that correct?

20 A. Yes, I did.

21 Q. You worked in Columbia's center for student advising,
22 student affairs from March 2010 through June 2013?

23 A. Yes, that's correct.

24 Q. Columbia's center for student advising, student affairs is
25 an academic advising office?

i7gnrav2

Dunn - Direct

1 A. Yes, it is.

2 Q. Before working in this academic advising office, you worked
3 as a lawyer, is that correct?

4 A. Yes, I did.

5 Q. You worked as a lawyer for less than two years, from
6 September 2008 to March 2010, correct?

7 A. That's correct.

8 Q. As a lawyer you never worked on any cases involving
9 discrimination or retaliation, correct?

10 A. Yes, that's correct.

11 Q. You stopped practicing law in March 2010, correct?

12 A. Yes.

13 Q. By the time you began your investigation into Professor
14 Ravina's complaint, you had not been practicing law for four
15 years, correct?

16 A. Yes, that's correct.

17 Q. You began investigating Professor Ravina's complaint
18 against Professor Bekaert just over a year before you became
19 Columbia University's director of investigations, is that
20 right?

21 A. I'm sorry. Could you repeat that question.

22 Q. Sure. You began investigating Professor Ravina's complaint
23 against Professor Bekaert just over a year after you became
24 Columbia University's director of investigations?

25 A. Yes, that's correct.

i7gnrav2

Dunn - Direct

1 Q. When you were Columbia's director of investigations you did
2 not receive any formal training on Columbia's policies against
3 discrimination harassment or retaliation, correct?

4 A. Yes, that's correct.

5 Q. You did not receive any training or instruction concerning
6 the antidiscrimination and antiretaliation law that this case
7 is brought under, known as the New York City Human Rights Law,
8 correct?

9 A. Yes, that's correct.

10 Q. You also did not receive any training or instruction
11 regarding the federal antidiscrimination and antiretaliation
12 law, known as Title VII, correct?

13 A. Yes, that's correct.

14 Q. You understand Title VII is a federal law that prohibits,
15 among other things, gender discrimination in employment?

16 A. Yes, I do.

17 Q. You testified before that you work in Columbia's Office of
18 Equal Opportunity and Affirmative Action. Is that office
19 referred to as the EOAA?

20 A. Yes, it is.

21 Q. When you worked in Columbia's EOAA your boss was Associate
22 Provost Melissa Rooker?

23 A. Yes, that's correct.

24 MS. HARWIN: I move to admit Plaintiff's Exhibit 17.

25 I believe the parties have already stipulated that

i7gnrav2

Dunn - Direct

1 these are admissible.

2 MS. FISCHER: No objection?

3 THE COURT: All right. 17 will be admitted. Thank
4 you.

5 (Plaintiff's Exhibit 17 received in evidence)

6 BY MS. HARWIN:

7 Q. I'm showing you what's been marked and admitted as
8 Plaintiff's Exhibit 17. Do you recognize these as the Columbia
9 University employment policies and procedures on discrimination
10 and harassment that were in effect at the time that you
11 investigated Professor Ravina's complaint?

12 A. Yes, I do.

13 Q. The EOAA, where you worked, is responsible for Columbia
14 University's employment policies and procedures on
15 discrimination and harassment, correct?

16 A. That's correct.

17 Q. The EOAA is the compliance office for Columbia University
18 concerning antidiscrimination laws?

19 A. Yes, that's correct.

20 Q. The EOAA is charged with investigating allegations of
21 discrimination, harassment and retaliation for all of Columbia
22 University, correct?

23 A. Yes, I believe that's correct.

24 Q. You have described the EOAA as a small shop, correct?

25 A. Yes.

i7gnrav2

Dunn - Direct

1 Q. The EOAA had limited staffing, correct?

2 A. Yes, that's correct.

3 Q. When you started out, there were only around three or four
4 people in that office, correct?

5 A. Yes, that's correct.

6 Q. And that included a front desk person?

7 A. Yes.

8 Q. So there were only two or three employees in the EOAA who
9 conducted investigations for Columbia University, correct?

10 A. Yes, that's correct.

11 Q. You had a big workload, correct?

12 A. Yeah.

13 Q. At any given time you had 15 to 20 cases that you were
14 addressing?

15 A. Yes, to the best of my recollection.

16 Q. When you investigated Professor Ravina's complaint, you had
17 approximately 15 to 20 cases on your plate at the time,
18 correct?

19 A. Yes, to the best of my recollection.

20 Q. You felt overwhelmed at Columbia?

21 A. At times, yeah.

22 Q. Your work at Columbia was challenging?

23 A. Yes, it was.

24 Q. The EOAA was a stressful environment?

25 A. Yes, it was.

i7gnrav2

Dunn - Direct

1 Q. This contributed to your decision to leave Columbia,
2 correct?

3 A. Yes, it did.

4 Q. Let's talk about your first sexual harassment investigation
5 into Professor Bekaert.

6 Your first sexual harassment investigation into
7 Professor Bekaert was initiated by a report made by a female
8 student, is that correct?

9 A. Yes.

10 Q. You learned about the female student's complaint against
11 Professor Bekaert from a Columbia Business School administrator
12 named Nayla Bahri?

13 A. Yes, that's correct.

14 Q. You learned about the female student's complaint against
15 Professor Bekaert in February 2014, correct?

16 A. I believe that's correct, yes.

17 MS. HARWIN: Move to admit Plaintiff's Exhibit 31.1,
18 which is identical to the Exhibit 31 that was previously
19 produced to defendants prior to the pretrial order.

20 THE COURT: Any objection?

21 MR. HERNSTADT: May I see the exhibit?

22 No objection, your Honor.

23 MS. FISCHER: No objection.

24 THE COURT: All right. 31.1 will be admitted.

25 (Plaintiff's Exhibit 31.1 received in evidence)

i7gnrav2

Dunn - Direct

1 BY MS. HARWIN:

2 Q. Mr. Dunn, I'm showing you what's been marked as 31.1. Is
3 this an e-mail that you received from Nayla Bahri forwarding
4 e-mails from Professor Bekaert and the female student?

5 A. Yes, it is.

6 Q. Nayla Bahri was a dean at Columbia Business School at that
7 time, correct?

8 A. I don't recall.

9 Q. Let's look at the student's e-mail of January 31, 2014, at
10 1:06 a.m.

11 MR. HERNSTADT: What page?

12 MS. HARWIN: That is on the first page.

13 BY MS. HARWIN:

14 Q. The female student said there that she needed to file an
15 official complaint against Geert Bekaert on grounds of
16 harassment, correct?

17 A. Yes. That's correct.

18 Q. The female student said that Professor Bekaert has been
19 harassing me repeatedly, correct?

20 A. Yes, that's correct.

21 Q. The female student said that Professor Bekaert was using
22 threats that are intended to make me feel unsafe, correct?

23 A. Yes, that is correct.

24 Q. The female student was concerned about the e-mails that
25 Professor Bekaert was sending her, correct?

i7gnrav2

Dunn - Direct

1 MS. FISCHER: Objection.

2 THE COURT: Sustained.

3 Q. The female student expressed concerns about the e-mails
4 that Professor Bekaert was sending her?

5 A. As expressed in that e-mail I would say yes.

6 Q. Turning to page 2 of this exhibit, the first e-mail on that
7 page ends with the female student writing to Professor Bekaert
8 saying, "Now stop harassing me."

9 Did I read that correctly?

10 A. Yes, you did.

11 Q. You also learned that the female student had concerns about
12 what Professor Bekaert said in the classroom, correct?

13 A. Yes, I did.

14 MS. HARWIN: I move to admit Plaintiff's Exhibit 32.

15 Any objection to 32?

16 MR. HERNSTADT: Yes, your Honor.

17 MS. PLEVAN: Yes.

18 THE COURT: You do have an objection?

19 MR. HERNSTADT: Yes, your Honor.

20 THE COURT: Let's have a sidebar.

21 Thanks.

22 (Continued on next page)

i7gnrav2

Dunn - Direct

1 (At sidebar)

2 MS. HARWIN: I believe this has already been addressed
3 in the motion in limine that was decided. Was this not
4 addressed?

5 MR. HERNSTADT: This was addressed and you excluded
6 these exhibits. And then the letter came in regarding certain
7 of the exhibit. This particular one is double hearsay. This
8 is Nayla Bahri saying to Michael Dunn what the student told
9 her. It also contains more salacious details than are in the
10 actual notes than Dunn took in his interview of his student.
11 It is improper and prejudicial. He licked his lips. The
12 student never said that to Dunn. That isn't in Dunn's notes in
13 his actual hearing what the student said as opposed what Nayla
14 Bahri said the student said to her.

15 MS. HARWIN: Your Honor, this is the complaint form.
16 This is the document that starts the investigation. There's
17 going to be subsequent testimony regarding what happened during
18 the meeting. But this is the initial triggering event.

19 MR. HERNSTADT: They have --

20 MS. HARWIN: Again, this was specifically ruled on
21 that these were admissible.

22 MR. HERNSTADT: It was ruled that they were not.

23 THE COURT: Let me look at the ruling at this.

24 MR. HERNSTADT: At least that's my recollection.

25 MS. HARWIN: The ruling specifically said that the

i7gnrav2

Dunn - Direct

1 comments about Hong Kong were admissible, and then there was
2 subsequently --

3 THE COURT: The underage woman comment was staying
4 out. I understand this is different.

5 MS. HARWIN: This is totally different. This is about
6 the prior complaint against Professor Bekaert. The ruling
7 specifically allowed the comment regarding women in Hong Kong
8 to be brought in.

9 MR. HERNSTADT: Right. And it is in. It is in over
10 and over again. It is in Exhibit 37, which has already been
11 admitted, which is letter from Dunn.

12 THE COURT: Who is Nayla Bahri?

13 MS. HARWIN: That is the person who, a dean at
14 Columbia Business School.

15 MS. FISCHER: She is in the student affairs office is
16 my understanding.

17 MS. HARWIN: I believe a dean of students.

18 MR. HERNSTADT: She was the person who forwarded that
19 e-mail chain that was just admitted. The problem with this is
20 that it is double hearsay, and it is very prejudicial. But it
21 includes something that is not in the notes of the interview
22 with the student. I am sure they are going to put the notes of
23 the interview with the student in.

24 MS. HARWIN: This is the complaint form that triggered
25 the investigation. So, of course, it proceeds the notes.

i7gnrav2

Dunn - Direct

1 MR. HERNSTADT: It is not the report of the student.
2 It is the report of someone saying this is what the student
3 said. It is inherently hearsay, and it is prejudicial.

4 THE COURT: I am going to allow it in. It is about
5 what information he and Columbia had about complaints. You can
6 cross-examine him about the basis of his knowledge, but I am
7 going to allow this.

8 MS. HARWIN: Thank you.

9 MR. HERNSTADT: He got this --

10 THE COURT: This is what he's being told. This is
11 what Columbia knows at this time. That's what is relevant,
12 right.

13 MR. HERNSTADT: He's being told -- this is what Nayla
14 Bahri says the student said to her.

15 THE COURT: It may not be true, but it's what Columbia
16 is being told.

17 MR. HERNSTADT: Would you make it clear to the jury?

18 THE COURT: Yes. All right.

19 (Continued on next page)
20
21
22
23
24
25

I7g1rav2

Dunn - Direct

1 (In open court)

2 THE COURT: So I'm going to allow in Exhibit 32. But
3 I'm just going to remind you, as I've done with certain other
4 exhibits, that this is not being admitted for the truth of
5 what's said in here but rather the fact that it was said, and
6 to whom it was said.

7 You may proceed.

8 MS. HARWIN: Thank you, your Honor.

9 BY MS. HARWIN:

10 Q. Director Dunn, we're showing you what's been marked as
11 Plaintiff's Exhibit 32 now in evidence.

12 Is this a complaint form that you completed concerning
13 the female student's complaint against Professor Bekaert?

14 A. Yes, it is.

15 Q. Under the Narrative Information section, it reads, "I got a
16 call from Nayla Bahri. She was working with a student who had
17 a conflict with a professor over a grade. The student told
18 Nayla that the professor made inappropriate comments in class,
19 discussing his travels in Hong Kong and talking about his
20 preference for Asian women. She said he rubbed his hands
21 together and licked his lips as if to say, it's delicious."

22 Did I read that correctly?

23 A. Yes, you did.

24 Q. This complaint form that you submitted on February 5, 2014
25 does not mention the student's report about receiving harassing

I7g1rav2

Dunn - Direct

1 emails from Professor Bekaert, correct?

2 A. That's correct.

3 Q. You subsequently spoke with the female student regarding
4 her report, correct?

5 A. Yes, that's correct.

6 MS. HARWIN: I move to admit Plaintiff's Exhibit 33.

7 MS. FISCHER: No objection.

8 THE COURT: All right. It will be admitted. Thank
9 you.

10 (Plaintiff's Exhibit 33 received in evidence)

11 Q. Director Dunn, these are your notes from meeting with the
12 female student about Professor Bekaert?

13 A. Yes, that's correct. My I see a hard copy of this exhibit?

14 Q. Yes.

15 A. Thank you.

16 Q. Mr. Dunn, I'd like you to turn your attention to the second
17 page of your notes from meeting with the student about
18 Professor Bekaert.

19 You wrote down, on the second page, "Would make
20 comments, rub hands together - 'HK, where the ladies are
21 nice.'"

22 Did I read that correctly?

23 A. Yes, you did.

24 Q. HK refers to Hong Kong?

25 A. Yes, it does.

I7g1rav2

Dunn - Direct

1 Q. So this means, "Would make comments, rub hands together -
2 'Hong Kong, where the ladies are nice.'" Is that right?

3 A. Yes, that's right.

4 Q. Let's stay on the second page of your report.

5 When you spoke to the female student, she told you
6 that she didn't want to pursue anything and that she was afraid
7 of retaliation and embarrassment, correct?

8 A. Yes, that's correct.

9 Q. That says, "Doesn't want to pursue anything. Afraid of
10 retal, embarrassment," correct?

11 A. Yes, that's correct.

12 Q. And when you write "retal," you mean retaliation?

13 A. Yes.

14 Q. Let's turn to the first page of your notes.

15 Towards the middle of that page, you write, "In his
16 last email, it sounded threatening." Did you write those
17 words?

18 A. I did write those words.

19 Q. Let's turn back to Exhibit 31, the last email that
20 Professor Bekaert wrote to the student.

21 Do you see that email from Professor Bekaert dated
22 January 31, 2014?

23 A. Yes, I do.

24 Q. Professor Bekaert wrote to the student, "Am I harassing
25 you? I am keeping this email in a safe place and you can just

I7g1rav2

Dunn - Direct

1 hope --"

2 MR. HERNSTADT: Objection. That misreads the email.

3 MS. HARWIN: Let me restate that.

4 THE COURT: Okay.

5 Q. The student wrote, "I am harassing you? I am keeping this
6 email in a safe place and you can just hope I am too busy to
7 take this further."

8 MR. HERNSTADT: Your Honor, misreading the email. The
9 student's not writing that.

10 MS. HARWIN: I apologize. Let me restate it.

11 Q. In this email from January 31, 2014, Professor Bekaert
12 wrote to the student, correct?

13 A. Correct.

14 Q. And in that email, Professor Bekaert wrote to the student
15 and said, "I am harassing you? I am keeping this email in a
16 safe place, and you can just hope I am too busy to take this
17 further."

18 Did I read that correctly?

19 A. Yes, you did.

20 Q. Did there come a time when you ended your investigation
21 into the female student's complaint into Professor Bekaert?

22 A. Yes.

23 Q. You issued an outcome letter on May 15, 2014, correct?

24 A. Yes, I believe that's correct.

25 Q. That was over three months after you began your

I7g1rav2

Dunn - Direct

1 investigation, correct?

2 A. Yes.

3 MS. HARWIN: Let's bring up Plaintiff's Exhibit 37,
4 which I believe is already in evidence.

5 Q. Mr. Dunn, do you recognize this letter as the outcome
6 letter you issued at the end of your investigation?

7 A. Yes, I do.

8 Q. You addressed this letter to Professor Bekaert?

9 A. Yes, I did.

10 Q. Your letter only discusses the student's allegation that in
11 the classroom Professor Bekaert rubbed his hands together and
12 said, "Hong Kong, where the ladies are nice." Is that correct?

13 A. Yes, that's correct.

14 Q. Your letter does not mention anywhere that the female
15 student reported that Professor Bekaert was harassing her
16 repeatedly and using threats that were intended to make her
17 feel unsafe, correct?

18 A. Yes, that's correct.

19 Q. The student's allegation about Professor Bekaert's comment
20 about women in Hong Kong was a concerning allegation to you,
21 correct?

22 A. Yes, it was.

23 Q. You had a professor and a roomful of students, and there's
24 certainly a power imbalance in that context, correct?

25 A. Between the professor and students, yes.

I7glrav2

Dunn - Direct

1 Q. But the only student you spoke to about Professor Bekaert's
2 classroom conduct was the one student who lodged the complaint,
3 correct?

4 A. That is correct.

5 Q. You didn't reach out to speak to any other students
6 regarding Professor Bekaert's classroom conduct, correct?

7 A. Yes, that's correct.

8 Q. Let me turn your attention back to this exhibit,
9 Plaintiff's Exhibit 37, to the second page, the first full
10 paragraph.

11 You spoke to Professor Bekaert about this complaint
12 against him?

13 A. Yes, I did.

14 Q. And in this outcome letter you wrote, "When I asked if you
15 made the alleged statement concerning women in Hong Kong, you
16 did not state whether or not you did so." Is that correct?

17 A. Yes, that's correct.

18 Q. So Professor Bekaert would not state whether or not he made
19 the comment about women in Hong Kong?

20 A. Yes, that's correct.

21 Q. And you believed that it was certainly possible that
22 Professor Bekaert did make the comment about women in Hong
23 Kong, correct?

24 MR. HERNSTADT: Objection, your Honor.

25 THE COURT: Sustained.

I7glrav2

Dunn - Direct

1 Q. When you issued this outcome letter, you did not rule out
2 the possibility that Professor Bekaert made the comment about
3 women in Hong Kong, correct?

4 A. Yes, that's correct.

5 Q. Let's stay on this exhibit, on the last page.

6 In the second to last paragraph, you write, "Although
7 I was unable to substantiate the allegations." Did I read that
8 correctly?

9 A. Yes, you did.

10 Q. So your letter stated that you were unable to substantiate
11 the allegations against Professor Bekaert?

12 A. Yes.

13 Q. In your outcome letter you told Professor Bekaert that you
14 had not found a violation of Columbia University's policies and
15 procedures on discrimination and harassment, correct?

16 A. Yes, that's correct.

17 Q. Your investigation into the student complaint against
18 Professor Bekaert ended on May 15, 2014?

19 A. Yes, that's correct.

20 Q. You were contacted about Professor Ravina's complaint
21 against Professor Bekaert by the Columbia Business School's
22 dean's chief of staff on July 18, 2014, correct?

23 A. Yes.

24 Q. So this was approximately two months after you closed your
25 last sexual harassment investigation into Professor Bekaert?

I7g1rav2

Dunn - Direct

1 A. Yes.

2 MS. HARWIN: I move to admit Plaintiff's Exhibit 50.

3 MS. FISCHER: No objection.

4 THE COURT: All right. It will be admitted.

5 (Plaintiff's Exhibit 50 received in evidence)

6 Q. Do you recognize this document in evidence as Plaintiff's
7 Exhibit 50 as an EOAA complaint form you submitted about
8 Professor Ravina's concerns about Professor Bekaert?

9 A. Yes, I do.

10 Q. And turning to the top, you submitted that complaint form
11 on July 21, 2014?

12 A. Yes, I did.

13 Q. But you didn't contact Professor Ravina about her complaint
14 until August 6, 2014, correct?

15 A. Yes, that's correct.

16 Q. You interviewed Professor Ravina for the first time on
17 August 12, 2014?

18 A. Yes, that's correct.

19 Q. So your first interview with Professor Ravina was nearly
20 four weeks after the dean's chief of staff contacted you about
21 Professor Ravina's complaints, correct?

22 A. Yes.

23 MS. HARWIN: I move to admit Defendant's Exhibit FG.

24 THE COURT: Any objection?

25 MS. FISCHER: No objection.

I7g1rav2

Dunn - Direct

1 THE COURT: All right. FG will be admitted.

2 (Defendant's Exhibit FG received in evidence)

3 Q. Showing you Defendant's Exhibit FG.

4 Do you recognize this email as one that you sent to
5 your boss, Melissa Rooker, on July 25, 2014?

6 A. Yes.

7 Q. And this was before you had any contact whatsoever with
8 Professor Ravina, correct?

9 A. Yes.

10 Q. In this email on July 25, 2014, you wrote, "The sexual
11 harassment concern seems fairly contained, that he insisted a
12 junior female colleague go out to dinner with him and that the
13 woman felt there was more to his invitation."

14 Did I read that correctly?

15 A. Yes.

16 Q. As of July 25, 2014, it was your perception that the sexual
17 harassment concern was fairly contained, correct?

18 A. Yes.

19 Q. You interviewed Professor Bekaert for the first time about
20 Professor Ravina's complaints on September 19, 2014, correct?

21 A. Yes.

22 Q. So the first time you interviewed defendant Bekaert about
23 Professor Ravina's complaints was over two months after the
24 dean's chief of staff contacted you about Professor Ravina's
25 complaint, correct?

I7g1rav2

Dunn - Direct

1 A. Yes.

2 Q. Before we get off this email, I want to return to it for
3 just a moment.

4 At the end of the portion where you're talking about
5 Professor Bekaert, you write, "As you may recall, we had a case
6 with this respondent in the spring, so it may require a
7 heightened response." Is that what you wrote?

8 A. Yes.

9 Q. When you used the term "respondent," you were referring to
10 Professor Bekaert, correct?

11 A. Yes, that's correct.

12 Q. So what you meant there was, "As you may recall, we had a
13 case with Professor Bekaert in the spring, so it may require a
14 heightened response," correct?

15 A. Yes.

16 MS. HARWIN: I move to admit Plaintiff's Exhibit 65.

17 THE COURT: Any objection to 65?

18 MS. FISCHER: No objection.

19 THE COURT: All right. It will be admitted.

20 (Plaintiff's Exhibit 65 received in evidence)

21 Q. Turning to this email, it's dated August 26, 2014, correct?

22 A. Yes, that's correct.

23 Q. And you sent this email to Janet Horan, who was the vice
24 dean at Columbia Business School?

25 A. Yes.

I7g1rav2

Dunn - Direct

1 Q. And you sent this email before you interviewed Professor
2 Bekaert, correct?

3 A. Yes.

4 Q. And at this time when you sent this email on August 26,
5 2014, you advised Vice Dean Horan that you didn't see a strong
6 case for an allegation of sexual harassment in violation of
7 university policies, correct?

8 A. Yes, that's correct.

9 MS. HARWIN: Let's turn to Plaintiff's Exhibit 75.

10 I move to admit it.

11 MS. FISCHER: No objection.

12 THE COURT: All right. 75 will be admitted.

13 (Plaintiff's Exhibit 75 received in evidence)

14 Q. Mr. Dunn, do you recognize this as an email that you sent
15 to Vice Dean Janet Horan on September 15, 2014?

16 A. Yes.

17 Q. And this was still before you had interviewed Professor
18 Bekaert, correct?

19 A. Yes.

20 Q. And you sent this email to Vice Dean Horan on September 15,
21 2014, saying, "I'm not sure I see a violation of EOAA
22 policies," correct?

23 A. Yes, that's correct.

24 Q. You met with Professor Ravina on August 12, 2014 and
25 November 12, 2014, correct?

I7g1rav2

Dunn - Direct

1 A. Yes, that's correct.

2 MS. HARWIN: Move to admit Plaintiff's Exhibit 63.

3 MS. FISCHER: No objection.

4 THE COURT: All right. 63 will be admitted.

5 (Plaintiff's Exhibit 63 received in evidence)

6 Q. Mr. Dunn, are these the notes that you took of your
7 August 12, 2014 interview with Professor Ravina?

8 A. Yes, they are.

9 Q. We can't go through everything that Professor Ravina
10 reported in detail, but I'm going to ask you some questions
11 about these notes.

12 Turning to Exhibit 63 at the top, it says, "GB, her
13 senior professor." Did I read that correctly?

14 A. You know, that might be "he's senior professor." I'm not
15 sure if that's "her" or "he's." And at this late date I can't
16 recall what I wrote.

17 Q. GB refers to Professor Geert Bekaert?

18 A. Yes.

19 Q. Your notes say "he's senior professor" or "her senior
20 professor," correct?

21 A. Yes. When I look at the "r" in the word "professor" and
22 the "r" in the word "together," they vary, so I'm just not
23 sure. I'm sorry.

24 Q. Let's turn to page 4 of those notes.

25 Turning to the paragraph that begins GB, "GB told her

I7g1rav2

Dunn - Direct

1 that he was her mentor." Is that correct? Did I read that
2 accurately?

3 A. Yes, that's correct.

4 Q. When you wrote, "GB told her that he was her mentor," you
5 were again referring to Professor Geert Bekaert?

6 A. Yes, I was.

7 Q. Okay. And whenever you wrote GB in your notes concerning
8 this case, you were referring to Professor Bekaert?

9 A. Yes, I believe so.

10 Q. In connection with your investigation in this case, you
11 reviewed email correspondence in which Professor Bekaert
12 referred to himself as Professor Ravina's mentor, correct?

13 A. Yes, that's correct.

14 Q. Professor Ravina reported to you that Professor Bekaert had
15 invited her to dinner with romantic intentions, correct?

16 A. She did definitely report that he invited her to dinner. I
17 don't recall if she mentioned specific romantic intentions.

18 Q. Let's turn to the first page of your notes.

19 Turning to the large paragraph in the middle, after
20 that paragraph marker, it says, "He would invite her to dinner
21 occasionally. He seemed to take it like romantic, not just
22 colleague." Did I read that correctly?

23 A. Yes, you did.

24 Q. Turning your attention to the fourth page of your notes.
25 I'm sorry. The third page of your notes.

I7glrav2

Dunn - Direct

1 It says, "Dinner, he'd offer." Correct?

2 A. Yes, that's correct.

3 Q. Next it says, "First x." Does that mean first time?

4 A. I believe so, yes.

5 Q. Professor Ravina told you that at the dinner Professor
6 Bekaert asked if she was living with a boyfriend, correct?

7 A. Yes, that's correct.

8 Q. Professor Ravina reported to you that Professor Bekaert had
9 said, "I would feel bad doing this," correct?

10 A. That's correct.

11 Q. Your notes indicate that Professor Ravina responded, "We're
12 co-authors." Correct?

13 A. Correct.

14 Q. Turning to page 2 of your notes. Do you see the arrow with
15 the letters GB above it?

16 A. Yes, I do.

17 Q. Your notes indicate that GB asked for dating advice,
18 correct?

19 A. Yes.

20 Q. On to the next page. You wrote, "He kept stalling her
21 papers to see if she would date him. Her impression."

22 It continues, "Each week he'll want to go to coffee,
23 not do work."

24 Did I read that correctly?

25 A. Yes, you did.

I7glrav2

Dunn - Direct

1 Q. Turning to the bottom of that page, you wrote,

2 "Uncomfortable," which I believe you abbreviated "uncomf." Is
3 that correct?

4 A. That is correct.

5 Q. "Uncomfortable when he does no work, just goes for coffee,"
6 correct?

7 A. Yes, that is correct. I apologize for my handwriting.

8 Q. Let's turn back to the first page of that exhibit.

9 At the bottom of the large paragraph in the middle of
10 that first page, you write, "E stopped coffee/dinner with him.
11 He became abusive, harassing, etc." Did I read that correctly?

12 A. Yes, you did.

13 Q. E refers to Professor Enrichetta Ravina?

14 A. Yes.

15 Q. Let's turn to page 4.

16 In the middle of that, in the middle of that page, you
17 wrote, "Nothing major, but when you look at all this
18 together... She can't avoid him fully. If I upset him, he
19 won't work."

20 Did I read that correctly?

21 A. Yes, you did.

22 MS. HARWIN: Let's turn to Exhibit 87.

23 I move to admit Plaintiff's Exhibit 87.

24 MS. FISCHER: No objection.

25 THE COURT: All right. It will be admitted.

I7g1rav2

Dunn - Direct

(Plaintiff's Exhibit 87 received in evidence)

Q. Director Dunn, do you recognize these as notes from your interview with Professor Ravina on November 12, 2014?

A. Yes, I do.

Q. Towards the top of page 1, you wrote, "The power. He's senior, been stalling papers six to seven months, one year before that."

Did I read that accurately?

A. Yes.

Q. Continuing on that page below, you wrote, "Mentor. He told her he was mentor."

Did I read that correctly?

A. Yes.

Q. Turning lower down on that page to the very bottom of it, you wrote, "If he didn't want to exercise power, why call him a mentor?"

Did I read that accurately?

A. Yes, you did.

Q. Turning to the top of page 2, Professor Ravina reported to you that Professor Bekaert asked her for compliments?

A. Yes.

Q. That he begged for them?

A. Yes, that's what she said.

Q. Professor Ravina reported that she had to tell Professor Bekaert he looked good, correct?

I7glrav2

Dunn - Direct

1 A. Yes, that's correct.

2 Q. Also on page 2 of your notes Professor Ravina reported to
3 you an incident where Professor Bekaert had told her to look at
4 a mug with a message about being horny. Correct?

5 A. Yes, that's correct.

6 Q. Turning to page 3 of your notes, towards the middle of the
7 page, it says, "As time passes, comments get more explicit."
8 Did I read that accurately?

9 A. I believe so.

10 Q. Turning to page 4 in your notes, you wrote, "ER not in
11 position to say no, deny request. He's senior colleague,
12 co-author, mentor."

13 Did I read that correctly?

14 A. Yes, you did.

15 Q. It continues right after, "ER thought, why do I have to
16 answer this question instead of working?" Correct?

17 A. Yes, that's correct.

18 MS. HARWIN: I move to admit Plaintiff's Exhibit 55.

19 MS. FISCHER: No objection.

20 THE COURT: 55 will be admitted. Thanks.

21 (Plaintiff's Exhibit 55 received in evidence)

22 Q. Before you spoke to Professor Ravina for the first time,
23 you spoke to Vice Dean Janet Horan about her concerns, correct?

24 A. Yes, that's correct.

25 Q. And this document reflects your notes from your July 25,

I7glrav2

Dunn - Direct

1 2014 conversation with Janet Horan?

2 A. Yes, it does.

3 Q. In your notes from speaking to Janet Horan, you wrote, "JH
4 reminded of power imbalance."

5 Did I read that correctly?

6 A. Yes, you did.

7 Q. JH refers to Vice Dean Janet Horan?

8 A. Yes.

9 MS. HARWIN: I move to admit Plaintiff's Exhibit 76.

10 THE COURT: Any objection?

11 MS. FISCHER: No objection.

12 THE COURT: 76 will be admitted.

13 (Plaintiff's Exhibit 76 received in evidence)

14 Q. You spoke to Vice Dean Janet Horan again about Professor
15 Ravina's complaints about Professor Bekaert on September 16,
16 2014, is that correct?

17 A. Yes, it is.

18 Q. And this was after your initial conversation with Professor
19 Ravina, correct?

20 A. Yes, that's correct.

21 Q. Towards the bottom of those notes, in your notes from your
22 conversation with Vice Dean Horan, you wrote, "What to do?
23 Still a senior tenured faculty member."

24 Did I read that correctly?

25 A. Yes, you did.

I7glrav2

Dunn - Direct

1 Q. Continuing on in your notes with Vice Dean Horan, your
2 notes from this conversation also state, "The fact that he
3 inserted himself in position of authority, with someone
4 struggling to get tenure, then getting in their way."

5 Did I read that correctly?

6 A. Yes.

7 Q. Professor Ravina reported to you that the emails from
8 Professor Bekaert got worse, correct?

9 A. I don't recall that.

10 Q. Let's turn to Exhibit 87 again, on the fifth page of that
11 document.

12 You wrote in your notes, "When emails were getting
13 worse, ER got therapist."

14 Did I read that correctly?

15 A. Yes.

16 Q. Professor Ravina provided you with examples of email
17 communications with Professor Bekaert, correct?

18 A. Yes, that's correct.

19 Q. Professor Ravina provided you with an email where Professor
20 Bekaert talked about bringing a whip to their next meeting?

21 A. Yes, I believe she did.

22 Q. Professor Ravina provided you with an email where Professor
23 Bekaert threatened to take drastic action, correct?

24 A. Yes. There was an email in which the term "drastic action"
25 was used.

I7g1rav2

Dunn - Direct

1 Q. When you met with Professor Ravina, you felt that Professor
2 Ravina was honestly expressing her opinions and beliefs about
3 what was going on in the situation with Professor Bekaert,
4 correct?

5 A. Yes, that's correct.

6 Q. You found that Professor Ravina was deeply affected and
7 troubled by what she perceived had happened and what she had
8 experienced, correct?

9 A. Yes, that's correct.

10 Q. You also met with Professor Bekaert about Professor
11 Ravina's complaint, correct?

12 A. Yes, that's correct.

13 MS. HARWIN: Move to admit Plaintiff's Exhibit 77.

14 MR. HERNSTADT: No objection.

15 MS. FISCHER: No objection.

16 THE COURT: It will be admitted. Thanks.

17 (Plaintiff's Exhibit 77 received in evidence)

18 Q. Director Dunn, these are your notes from your conversation
19 with Professor Bekaert on September 19, 2014?

20 A. Yes, they are.

21 Q. Turning to the second page of your notes, Professor Bekaert
22 told you that he had personal conversations with Professor
23 Ravina?

24 A. Can you point me to where you're looking?

25 Q. Towards the middle of the page, it says, "Professional

I7g1rav2

Dunn - Direct

1 conversation, personal as well." Correct?

2 A. That's correct.

3 Q. When asked whether he had physical contact with Professor
4 Ravina, Professor Bekaert did not say a definitive no to you,
5 correct?

6 A. Again, is there an area in the notes where you're looking?
7 That would be helpful.

8 Q. That's a general question for you.

9 A. Could you repeat the question.

10 Q. Sure. When asked whether he had physical contact with
11 Professor Ravina, Professor Bekaert did not say a definitive
12 no, correct?

13 A. I believe that's correct, yes.

14 Q. Professor Bekaert told you it was possible that he asked
15 Professor Ravina for dating advice, correct?

16 A. I believe that's correct, but it would be great to confirm
17 in the notes, if possible.

18 Q. I can just refresh your recollection with Plaintiff's
19 Exhibit 90.

20 So the question is, again: Professor Bekaert told you
21 it was possible that he asked Professor Ravina for dating
22 advice, correct?

23 A. Yes, that's correct.

24 Q. And in fact, you confirmed that Professor Bekaert did ask
25 Professor Ravina for dating advice, correct?

I7glrav2

Dunn - Direct

1 A. Yes, that's correct.

2 Q. You also confirmed with Professor Bekaert that he keeps a
3 mug in his office that contains a message about being horny,
4 correct?

5 A. Yes, that's correct.

6 Q. Professor Bekaert claimed to you that he could not recall
7 having a conversation with Professor Ravina about the horny mug
8 in his office, correct?

9 A. I believe that's correct, yes.

10 Q. Professor Bekaert told you he was not sure whether he had
11 commented to Professor Ravina about the attractiveness of his
12 research assistants, correct?

13 A. I believe that's correct, but again, it would be helpful to
14 confirm in the materials.

15 Q. Could we go back to Plaintiff's Exhibit 90, at page 5.

16 You wrote, "When asked whether he commented on the
17 attractiveness of the RAs," research assistants, "Professor
18 Bekaert did not think he had made these kinds of remarks but
19 was not sure." Is that right?

20 A. Yes, that is right.

21 Q. So Professor Bekaert told you he was not sure whether he
22 had commented to Professor Ravina about the attractiveness of
23 his research assistants, correct?

24 A. Yes, that is correct.

25 Q. You didn't receive any information or evidence that

I7g1rav2

Dunn - Direct

1 contradicted her report that Professor Bekaert commented on the
2 attractiveness of research assistants, correct?

3 A. Yes, that's correct.

4 Q. Let's return to Exhibit 77, your notes from your first
5 meeting with Professor Bekaert.

6 Turning to page 4, towards the bottom, you wrote, "GB
7 agreed to help salvage her career. She had two articles to
8 revise at top journals - single author. That plus 3 GB
9 articles could have gotten tenure."

10 Did I read that correctly?

11 A. I believe the second word in the first sentence is not
12 "agreed" but is "hoped" instead. But otherwise, you did read
13 that correctly.

14 Q. Okay. Let me read it again one more time then.

15 You wrote in your notes from your meeting with
16 Professor Bekaert, "GB hoped to help salvage her career. She
17 had two articles to revise at top journals - single author.
18 That plus 3 GB articles could have gotten tenure."

19 Is that correct?

20 A. Yes, that is correct.

21 Q. But Professor Bekaert told you that he had stopped working
22 for a few months on his project with Professor Ravina, correct?

23 A. Is that indicated in the notes anywhere?

24 Q. If we turn to page 2, towards the bottom, you wrote, "He
25 stopped working for a few months." Correct?

I7glrav2

Dunn - Direct

1 A. Yes, that is correct.

2 Q. Professor Bekaert acknowledged to you that he sent an email
3 to Professor Ravina in which he threatened to take very drastic
4 action, correct?

5 A. Yes, that's correct.

6 Q. Professor Bekaert acknowledged that his email threatening
7 to take drastic action was a bad thing for a senior faculty
8 member like him to say to a junior untenured faculty member
9 like Professor Ravina, correct?

10 A. Could I look at the notes to see where that is reflected?

11 Q. Let's turn to page 7 of your notes here.

12 You wrote, "If you don't start making sense, I'm going
13 to take drastic action."

14 Towards the bottom of that paragraph, you write, "Bad
15 from senior faculty to junior untenured."

16 Correct?

17 A. Yes, that is correct.

18 Q. And it is Professor Bekaert who acknowledged it was bad
19 from a senior faculty member to a junior untenured faculty
20 member, correct?

21 A. Yes, that's correct.

22 Q. But you didn't make any judgment about whether it was a bad
23 thing for a senior faculty member to threaten to take drastic
24 action against a junior untenured faculty member, correct?

25 A. Do you mean during the interview or in the outcome letter?

I7g1rav2

Dunn - Direct

1 Q. In the course of your investigation.

2 A. I don't believe so, no.

3 Q. Professor Bekaert acknowledged to you that he sent
4 Professor Ravina an email in which he discussed bringing a whip
5 to their next meeting?

6 A. Yes, I believe he did.

7 Q. You reviewed the email where Professor Bekaert told Ravina
8 that he would bring a whip to their next meeting, correct?

9 A. Yes, I did.

10 Q. You did not read Professor Bekaert's whip email as
11 demeaning towards Professor Ravina?

12 A. I thought it was unprofessional and insulting.

13 Q. Did you find the email in which Professor Bekaert said he
14 would bring a whip to a meeting to be demeaning towards
15 Professor Ravina?

16 A. Yes.

17 Q. Director Dunn, I'm going to ask to bring up your deposition
18 testimony.

19 Do you recall being deposed in this matter?

20 A. Yes, I do.

21 Q. Okay. You came to my office, I asked you questions, you
22 answered those questions under oath?

23 A. Yes, I did.

24 Q. You swore to tell the truth while providing that testimony?

25 A. Yes, I did.

I7g1rav2

Dunn - Direct

1 Q. Okay. At your deposition, I asked you the question -- and
2 this is on page 108 --

3 THE COURT: He said yes, so I'm not sure why you're
4 going through this.

5 MS. HARWIN: Impeachment, your Honor.

6 THE COURT: All right. Go ahead.

7 Sorry. Go ahead.

8 Q. At your deposition I asked you the question, "Did you find
9 the email in which Professor Bekaert said he would bring a whip
10 to a meeting to be demeaning towards Ms. Ravina?"

11 Your answer was, "Based on the exchange, I did not
12 read it to be demeaning."

13 That was your sworn testimony, correct?

14 A. Yes.

15 Q. And at the time you didn't find Professor Bekaert's whip
16 email to be aggressive, correct?

17 A. At the time of the investigation, of the deposition? I'm
18 sorry. I'm just unclear.

19 Q. Prior to appearing here in court today, is it your
20 perception that Professor Bekaert's whip email was aggressive?

21 A. I'm not sure.

22 Q. I'm going to refer you again to your deposition testimony.

23 On page 109 of your deposition, I asked you, "Did you
24 find the email in which Professor Bekaert said he would bring a
25 whip to a meeting to be aggressive?"

I7glrav2

Dunn - Direct

1 You answered, "No, I did not find it to be
2 aggressive."

3 That was your sworn testimony, wasn't it?

4 A. Yes, it was.

5 Q. And you didn't find Professor Bekaert's whip email to be
6 hostile, correct?

7 A. No, I did not.

8 Q. When you investigated Professor Ravina's complaint against
9 Professor Bekaert, the only witness you interviewed, besides
10 Professor Ravina and Professor Bekaert, was a Columbia research
11 assistant named Nancy Xu, correct?

12 A. Yes, that is correct.

13 Q. Ms. Xu was the only person you considered necessary to
14 interview apart from Professor Ravina and Professor Bekaert,
15 correct?

16 A. Yes, that's correct.

17 Q. Ms. Xu stopped working on the research project with
18 Professor Ravina and Professor Bekaert around December 2012,
19 correct?

20 A. Yes, I believe that's correct.

21 Q. You interviewed Ms. Xu at the end of August 2014?

22 A. Yes.

23 Q. So at the time you interviewed Ms. Xu, she had not worked
24 for Professor Ravina and Professor Bekaert together for almost
25 two years, correct?

I7glrav2

Dunn - Direct

1 A. Yes, that's correct.

2 Q. But the harassment that Professor Ravina complained to you
3 about had continued past December 2012, correct?

4 A. Yes, that's correct.

5 Q. She alleged harassment in 2013, correct?

6 A. Yes, that's correct.

7 Q. She alleged harassment in 2014, correct?

8 A. Yes, that's correct.

9 Q. She alleged ongoing conduct at the time you met with her,
10 correct?

11 A. Yes.

12 MS. HARWIN: I'm going to move to admit Plaintiff's
13 Exhibit 66.

14 THE COURT: Any objection?

15 MS. FISCHER: No objection.

16 THE COURT: It will be admitted.

17 (Plaintiff's Exhibit 66 received in evidence)

18 BY MS. HARWIN:

19 Q. Mr. Dunn, I'm showing you Plaintiff's Exhibit 66 now in
20 evidence. Are these notes from your interview with Nancy Xu?

21 A. Yes, they are.

22 Q. These are dated August 28, 2014, correct?

23 A. Yes, that's correct.

24 Q. Ms. Xu told you that her opinion was biased, correct?

25 A. Can you point me to the notes.

I7g1rav2

Dunn - Direct

1 Q. Sitting here today, can you recall whether Ms. Xu told you
2 that her opinion was biased?

3 A. I believe she did, yes.

4 Q. Let's turn to page 2 of these notes.

5 Towards the top, in the first line indented, those
6 first three words, "N's opinion biased," do you see that?

7 A. Yes.

8 Q. Ms. Xu also told you that she was very loyal to Professor
9 Bekaert, correct?

10 A. Yes, that's correct.

11 Q. Turning towards the middle of that page, it says, "N v.
12 loyal," correct?

13 A. Yes, that's correct.

14 Q. That means "Nancy very loyal," correct?

15 A. Yes, that's correct.

16 Q. Ms. Xu told you that Professor Bekaert would be serving on
17 her dissertation committee?

18 A. I don't recall that specific point.

19 Q. Turning to the first page of these notes, the third line,
20 it says, "GB will be on her committee"?

21 A. Yes.

22 Q. You understood Ms. Xu to be telling you that Professor
23 Bekaert would be serving on her dissertation committee,
24 correct?

25 A. Yes.

I7g1rav2

Dunn - Direct

1 Q. Ms. Xu told you that she wanted to be on Professor
2 Bekaert's team?

3 A. I believe so.

4 Q. Turning towards the fifth line in that page, it says,
5 "Wants to be on that team." Correct?

6 A. Yes, that's correct.

7 Q. There's also a reference right below to what I believe is
8 Bob Hodrick, a professor at Columbia Business School?

9 A. Yes, that's correct.

10 Q. Ms. Xu told you that she saw Professor Bekaert as a father
11 figure, correct?

12 A. Yes, that is correct.

13 Q. And Ms. Xu told you that she worked with Professor Bekaert
14 and with Professor Hodrick, correct?

15 A. Yes, she did.

16 Q. You talked to Ms. Xu about whether she had witnessed,
17 experienced, or heard any sexually harassing behavior from
18 Professor Bekaert?

19 A. Yes, I did.

20 Q. And continuing on this exhibit, Exhibit 66, on the first
21 page, towards the second paragraph from the bottom, it says,
22 "Any SH re GB? No."

23 Are those your notes regarding your question to Nancy
24 Xu about sexual harassment concerning Professor Bekaert?

25 A. Yes, that's correct.

I7g1rav2

Dunn - Direct

1 Q. Okay. So your notes regarding your question about sexual
2 harassment read, "Any sexual harassment re Geert Bekaert? No."
3 Did I read that correctly?

4 A. Yes, you did.

5 Q. You perceived Ms. Xu's opinion to be biased on the question
6 of whether she had witnessed or seen sexual harassment from
7 Professor Bekaert to Professor Ravina, correct?

8 A. Yes.

9 Q. Let's turn to your outcome letter, which is Exhibit 90.

10 When you issued your outcome letter, you included
11 Ms. Xu's claim that she never witnessed, experienced, or heard
12 any sexually harassing behavior from Professor Bekaert,
13 correct?

14 A. Yes, that's correct.

15 Q. And your outcome letter did not disclose that Ms. Xu
16 admitted to you that her opinion was biased, correct?

17 A. Correct.

18 Q. Your outcome letter did not disclose that Ms. Xu admitted
19 to you that she was very loyal to Professor Bekaert, correct?

20 A. Correct.

21 Q. So the only witnesses that you interviewed in connection
22 with Professor Ravina's complaint were Professor Ravina,
23 Professor Bekaert, and this graduate student named Nancy Xu who
24 admitted that she was biased and very loyal, correct?

25 A. Yes, that's correct.

I7glrav2

Dunn - Direct

1 Q. Professor Ravina told you that a professor named Daniel
2 Wolfenzon had been appointed as a relationship manager for her
3 and Professor Bekaert, correct?

4 A. Yes, I believe that's correct.

5 Q. You never interviewed the relationship manager that
6 Columbia appointed to monitor communications between Professor
7 Bekaert and Professor Ravina, correct?

8 A. Yes, that's correct.

9 Q. You never interviewed Stephen Zeldes, the chair of
10 Professor Ravina's and Professor Bekaert's division at Columbia
11 Business School?

12 A. Yes, that's correct.

13 Q. You were also aware that Professor Ravina had met with
14 Suzanne Goldberg, a Columbia law school professor with
15 expertise on gender issues, correct?

16 A. Yes, that's correct.

17 Q. You never interviewed Professor Goldberg about Professor
18 Ravina's complaints, correct?

19 A. Yes, that's correct.

20 Q. You were aware that Professor Ravina had spoken to
21 colleagues at Columbia about her concerns about Professor
22 Bekaert, correct?

23 A. I was never aware of any colleagues by name with whom
24 Professor Ravina spoke, to the best of my recollection.

25 (Continued on next page)

I7qnrav3

Dunn - direct

1 Q. You never interviewed any faculty members at Columbia
2 Business School about Professor Bekaert's interactions with
3 Professor Ravina, correct?

4 A. That is correct.

5 Q. You never interviewed any professors at Columbia Business
6 School about whether Professor Bekaert's conduct was normal
7 behavior for a professor, correct?

8 A. That is correct.

9 Q. Before you concluded your investigation into Professor
10 Ravina's complaints, you never provided Professor Ravina with
11 any kind of written summary of what you understood her
12 complaints to be about, correct?

13 A. That is correct.

14 Q. In your final outcome letter, you examined whether
15 Columbia's policy against sexual harassment had been violated,
16 correct?

17 A. That is correct.

18 Q. You quote Columbia's sexual harassment policy in your
19 outcome letter?

20 A. Yes.

21 Q. Let's turn back to that outcome letter, which is Exhibit
22 90. You write: "Under Columbia University's employment
23 policies and procedures on discrimination and harassment,
24 sexual harassment is defined as follows:

25 "Unwelcome sexual advances, requests for sexual favors

I7qnrav3

Dunn - direct

1 and other verbal, physical, or visual conduct or behavior of a
2 sexual nature constitute sexual harassment when:

3 "Submission to such conduct is made either explicitly
4 or implicitly a term or condition of an individual's
5 employment; or,

6 "Submission to or rejection of such conduct by an
7 individual is used as the basis for employment decisions
8 affecting that individual; or,

9 "Such conduct has the purpose or effect of
10 unreasonably interfering with an individual's work performance
11 or creating an intimidating, hostile, demeaning or offensive
12 working environment."

13 Did I read that correctly?

14 A. Yes.

15 Q. Columbia's sexual harassment policy goes on and says,
16 "Sexual harassment may include a range of subtle and
17 not-so-subtle behaviors, among them: Sexual violence; sexual
18 jokes and innuendo; verbal abuse of a sexual nature; commentary
19 about an individual's body, sexual prowess or sexual
20 deficiencies; leering, catcalls, or touching; insulting or
21 obscene comments or gestures; and the display or circulation,
22 (including through e-mail) of sexually suggestive or explicit
23 objects or pictures in the learning, living or working
24 environment."

25 Did I read that correctly?

I7qnrav3

Dunn - direct

1 A. Yes, you did.

2 Q. In your outcome letter you wrote: "I did not find evidence
3 to support that Professor Bekaert's actions or communications
4 constituted sexual harassment in violation of university
5 policies." Correct?

6 A. Yes, that's correct.

7 Q. Let's turn on the bottom of your outcome letter, towards
8 the bottom of page 6 and the top of page 7.

9 In your outcome letter you told Professor Ravina: "I
10 found that you and Professor Bekaert engaged in a friendly
11 working relationship that soured when you did not communicate
12 effectively regarding your concerns about the status of your
13 projects. I determined that your professional relationship
14 with Professor Bekaert was friendly and at times mutually
15 flirtatious."

16 Did I read that accurately?

17 A. Yes.

18 Q. You went on and wrote: "However, this relationship
19 eventually devolved into unprofessional and inappropriate
20 communication. Professor Bekaert communicated in a more
21 egregious manner and addressed you in unnecessarily aggressive
22 tones that were ill suited for his position. In sum, however,
23 I did not find evidence to support that Professor Bekaert's
24 actions or communications constituted sexual harassment in
25 violation of university policies."

I7qnrav3

Dunn - direct

1 Is that correct?

2 A. Yes, that is correct.

3 Q. And you provided Professor Bekaert with a copy of this
4 letter, correct?

5 A. Yes.

6 Q. Professor Bekaert was provided with a copy of this letter
7 containing these conclusions, correct?

8 A. Yes, that's correct.

9 Q. At the time you investigated Professor Ravina's complaint
10 against Professor Bekaert, Columbia had policies that
11 prohibited other forms of gender-based misconduct besides what
12 Columbia's policy labeled sexual harassment, correct?

13 A. Yes, that's correct.

14 Q. In addition to its sexual harassment policy, Columbia also
15 had a policy that prohibits gender discrimination, correct?

16 A. Yes, that's correct.

17 Q. Let's turn back to Exhibit 17, Columbia's employment
18 policies on discrimination and harassment.

19 On page 3, it states, "Discrimination -- and this is
20 towards the top.

21 "Discrimination is defined as:

22 "Treating members of a protected class less favorably
23 because of their membership in that class; or,

24 "Having a policy or practice that has a
25 disproportionately adverse impact on protected class members."

I7qnrav3

Dunn - direct

1 Did I read that correctly?

2 A. Yes.

3 Q. OK. This means that at the time Columbia investigated
4 Professor Ravina's complaints, Columbia had a written policy
5 that prohibited treating a woman less favorably because she is
6 female, correct?

7 A. Yes, that is correct.

8 Q. You did not investigate whether Professor Bekaert violated
9 Columbia's policy against gender discrimination, correct?

10 A. Correct.

11 Q. You did not reach any conclusions as to whether Professor
12 Bekaert engaged in gender discrimination in violation of
13 Columbia's policy, correct?

14 A. That's correct.

15 Q. In addition to this policy against gender discrimination,
16 at the time you investigated Columbia also had a policy that
17 prohibits what it calls discriminatory harassment, correct?

18 A. That is correct.

19 Q. Columbia's policy in effect at the time said:

20 "Discriminatory harassment is defined as subjecting an
21 individual to humiliating, abusive, or threatening conduct that
22 creates an intimidating, hostile, or abusive work environment,
23 that alters the conditions of employment, or unreasonably
24 interferes with an individual's work performance on the basis
25 of the individual's membership in a protected class.

I7qnrav3

Dunn - direct

1 Discriminatory harassment includes but is not limited to:
2 Epithets or slurs; negative stereotyping; threatening,
3 intimidating or hostile acts; denigrating jokes; and display or
4 circulation in the working, learning and living environment
5 (including through e-mail) of written or graphic material."

6 Did I read that correctly?

7 A. Yes, you did.

8 Q. According to Columbia's policies, sexual harassment is one
9 form of discriminatory harassment, correct?

10 A. That's correct.

11 Q. But there are other forms of discriminatory harassment
12 beyond sexual harassment, correct?

13 A. That is correct.

14 Q. And under Columbia's policies there are other forms of
15 discriminatory harassment on the basis of gender other than
16 sexual harassment, correct?

17 A. I believe so, but I want to review the policy language to
18 be sure.

19 Q. At the time Columbia investigated Professor Ravina's
20 complaints, Columbia had a discriminatory harassment policy --

21 MS. HARWIN: Let's keep that up, if we could. I would
22 like to stay with this policy.

23 BY MS. HARWIN:

24 Q. At the time Columbia investigated Professor Ravina's
25 complaints, Columbia had a discriminatory harassment policy

I7qnrav3

Dunn - direct

1 that prohibited subjecting a woman to humiliating, abusive, or
2 threatening conduct that creates an intimidating, hostile, or
3 abusive work environment, correct?

4 A. Yes, if it was on the basis of the woman's membership in a
5 protected class.

6 MS. FISCHER: Objection.

7 THE COURT: Was there an objection?

8 MS. FISCHER: It misstates, but I think it's been
9 addressed.

10 THE COURT: Overruled.

11 BY MS. HARWIN:

12 Q. At the time Columbia investigated Professor Ravina's
13 complaints, Columbia had a discriminatory harassment policy
14 that prohibited subjecting a woman to humiliating, abusive, or
15 threatening conduct that creates an intimidating, hostile, or
16 abusive work environment based on her gender, correct?

17 A. Yes, that's correct.

18 Q. And at the time Columbia investigated Professor Ravina's
19 complaints, Columbia had a discriminatory harassment policy
20 that prohibited subjecting a woman to humiliating, abusive, or
21 threatening conduct that unreasonably interferes with her work
22 performance based on her gender, correct?

23 A. Yes, that is correct.

24 Q. At the time Columbia investigated Professor Ravina's
25 complaints, Columbia had a discriminatory harassment policy

I7qnrav3

Dunn - direct

1 that prohibited epithets or slurs based on gender, correct?

2 A. Yes, that's correct.

3 Q. At the time Columbia investigated Professor Ravina's
4 complaints, Columbia had a discriminatory harassment policy
5 that prohibited threatening intimidating or hostile acts based
6 on gender, correct?

7 A. Yes that's correct.

8 Q. At the time Columbia investigated Professor Ravina's
9 complaints, Columbia had a discriminatory harassment policy
10 that prohibited denigrating jokes based on gender, correct?

11 A. Yes. That's correct.

12 Q. But you did not investigate whether Professor Bekaert had
13 engaged in discriminatory harassment against Professor Ravina,
14 correct?

15 A. Well, as the policy states, sexual harassment is a form of
16 discriminatory harassment so I would say we did investigate
17 that.

18 Q. Director Dunn, you recall being deposed in this matter?

19 A. Yes.

20 Q. I am going to bring up your deposition testimony.

21 The question was asked at page 159:

22 "Q. You did not reach any conclusion --

23 MS. FISCHER: What line?

24 MS. HARWIN: 21.

25 "Q. You did not reach any conclusion as to whether Professor

I7qnrav3

Dunn - direct

1 Bekaert had engaged in discriminatory harassment, is that
2 correct?"

3 You answered: "That was not an allegation that was
4 raised that we investigated, that is correct."

5 Was that your sworn testimony?

6 A. Yes.

7 Q. OK. Director Dunn, I am going to ask the question again
8 then: You did not investigate whether Professor Bekaert had
9 engaged in discriminatory harassment in violation of Columbia's
10 policy, correct?

11 MS. FISCHER: Objection.

12 THE COURT: Overruled.

13 A. To the best of my recollection, at the time of the
14 deposition, I was not recalling the fact that sexual harassment
15 is a form of discriminatory harassment. I answered the
16 question the best I could then. As I look at the policy
17 language now, you know, I do feel that since discriminatory
18 harassment includes sexual harassment it wouldn't be honest for
19 me to say that we did not investigate that.

20 Q. Director Dunn, you investigated sexual harassment?

21 A. Yes, correct.

22 Q. Sexual harassment is defined as one type of discriminatory
23 harassment, correct?

24 A. Yes.

25 Q. There are other types of discriminatory harassment,

I7qnrav3

Dunn - direct

1 correct?

2 A. Yes.

3 Q. We have reviewed Columbia's policy concerning
4 discriminatory harassment, correct?

5 A. Yes.

6 Q. We have reviewed numerous aspects of Columbia's policy
7 against discriminatory harassment?

8 A. Yes.

9 Q. You did not investigate whether these aspects of Columbia's
10 policy against discriminatory harassment were violated,
11 correct?

12 A. Yes. I did not investigate all possible forms of
13 discriminatory harassment.

14 Q. OK. You did not conduct investigation into discriminatory
15 harassment in violation of Columbia's policies, correct?

16 A. I feel like I've already answered this question.

17 Q. You conducted an investigation into sexual harassment,
18 correct?

19 A. Yes.

20 Q. Columbia has a separate policy concerning discriminatory
21 harassment, correct?

22 A. Yes.

23 Q. You didn't investigate whether Professor Bekaert violated
24 this separate policy on discriminatory harassment, correct?

25 A. Yes.

I7qnrav3

Dunn - direct

1 MS. HARWIN: Thank you.

2 I think we are at a good stopping point, your Honor.

3 THE COURT: All right. So why don't we take our
4 morning break. Just remember don't yet discuss the case and
5 keep an open mind.

6 (Continued on next page)

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

I7qnrav3

Dunn - direct

1 (Jury not present)

2 THE COURT: How much longer do you have with this
3 witness?

4 MS. HARWIN: I don't know if we'll go all the way to
5 lunch, but for some somewhere in between the end of this and
6 lunch.

7 THE COURT: All right. Thank you.

8 (Recess)

9 THE COURT: Are we ready for the jury?

10 MS. HARWIN: Yes, your Honor.

11 THE COURT: All right.

12 (Continued on next page)

I7qnrav3

Dunn - direct

1 (Jury present)

2 THE COURT: All right. Everyone can be seated.

3 Thank you.

4 You may proceed.

5 MS. HARWIN: Thank you, your Honor.

6 Mr. Dunn, let's turn back to your outcome letter,
7 which is Exhibit 90.

8 When you issued your outcome letter on November 17,
9 2014 at the end of your investigation into Professor Ravina's
10 complaint, you wrote at the top, "I've conducted a preliminary
11 fact-finding review of the allegations of sexual harassment."

12 Is that correct?

13 A. Yes. That's correct.

14 Q. And when you investigated Professor Ravina's complaint, you
15 conducted only a preliminary fact-finding review, correct?

16 A. Yes, that's correct.

17 Q. You did not conduct a formal investigation according to
18 Columbia's policies, correct?

19 A. Yes, that's correct.

20 Q. Turning to the bottom of your outcome letter, on the very
21 last page, your final recommendation set forth in that
22 paragraph, it says, "I recommend that Professor Bekaert receive
23 training on appropriate professional communications."

24 Did I read that correctly?

25 A. Yes, you did.

I7qnrav3

Dunn - direct

1 Q. OK. So your final recommendation was that Professor
2 Bekaert receive a training on appropriate professional
3 communications?

4 A. Yes.

5 Q. At Columbia, training is something that you did all the
6 time, correct?

7 A. Yes.

8 Q. In your view, training was not punitive, correct?

9 A. Yes, that's correct.

10 Q. This training that you recommended was not a disciplinary
11 action, correct?

12 A. Yes, that's correct.

13 Q. Let's turn to Plaintiff's Exhibit 49.

14 THE COURT: Any objection?

15 MS. FISCHER: No objection.

16 THE COURT: All right. 49 will be admitted.

17 (Plaintiff's Exhibit 49 received in evidence)

18 BY MS. HARWIN:

19 Q. Let's turn to the last page of this exhibit. This is an
20 e-mail from the dean's chief of staff Laura Lee to you dated
21 July 19, 2014, correct?

22 A. Yes, that's correct.

23 Q. This is the e-mail that triggered your investigation into
24 Professor Ravina's complaint, correct?

25 A. Yes. Following up on her phone call from the day before.

I7qnrav3

Dunn - direct

1 Q. Turning to the bottom of that e-mail, on July 19, 2014,
2 nearly four months before you completed the investigation, as
3 part of that initial e-mail communication the dean's chief of
4 staff wrote: "Glenn would also like to set up one-on-one Title
5 IX training for Geert. Please advise on how best to move
6 forward."

7 Did I read that correctly?

8 A. Yes, you did.

9 Q. You received that e-mail from the dean's chief of staff,
10 correct?

11 A. Yes, I did.

12 Q. You understood Glenn to refer to Dean Glenn Hubbard, the
13 dean of Columbia Business School?

14 A. Yes, I did.

15 Q. When he referred to one-on-one Title IX training for Geert,
16 you understood that to refer to training concerning the federal
17 law Title IX?

18 A. Yes.

19 Q. And we discussed before that's the federal law that
20 prohibits gender discrimination in higher educational
21 institutions that receive federal funding?

22 A. Yes.

23 Q. Columbia is one of these higher educational institutions
24 that receives federal funding, correct?

25 A. Yes.

I7qnrav3

Dunn - direct

1 Q. On July 23, 2014, you responded to Columbia Business School
2 administrators, correct?

3 A. Yes, that's correct.

4 Q. And as part of your e-mail response on July 23, 2014, still
5 nearly four months before you completed the investigation, you
6 told them, "We should discuss further the idea of title IX
7 training for Geert. We may need to engage an outside trainer
8 here."

9 Did I read that correctly?

10 A. Yes, you did.

11 Q. These e-mails about Title IX training for Professor Bekaert
12 were exchanged before you interviewed Professor Ravina,
13 correct?

14 A. Yes, that's correct.

15 Q. And these e-mails about Title IX training for Professor
16 Bekaert were exchanged before you interviewed Professor
17 Bekaert, correct?

18 A. Yes, that's correct.

19 Q. These e-mails about Title IX training for Professor Bekaert
20 were exchanged before you interviewed anyone in this case,
21 correct?

22 A. Yes, that's correct.

23 Q. Let's turn to Plaintiff's Exhibit 65. This is an e-mail
24 that you sent on August 26, 2014 to Vice Dean Janet Horan,
25 correct?

I7qnrav3

Dunn - direct

1 A. Yes, that's correct.

2 Q. You sent this e-mail before you had interviewed Professor
3 Bekaert, correct?

4 A. Yes, that's correct.

5 Q. This was over two and a half months before you completed
6 your investigation?

7 A. Yes.

8 Q. In this e-mail, you told Vice Dean Horan, "I think the
9 original plan to get Professor Bekaert some training by an
10 outside professional would be sufficient here."

11 Did I read that correctly?

12 A. Yes, you did.

13 Q. On August 28, 2014, two days later, you had another e-mail
14 with Vice Dean Janet Horan, correct?

15 A. I don't recall that, but it is very possible.

16 MS. HARWIN: Let's bring up Plaintiff's Exhibit 64.

17 And I move to admit it.

18 MS. FISCHER: No objection.

19 THE COURT: All right. 64 will be admitted.

20 (Plaintiff's Exhibit 64 received in evidence)

21 BY MS. HARWIN:

22 Q. Mr. Dunn, turning to the top e-mail, that is an e-mail that
23 you wrote to Vice Dean Janet Horan on August 28, 2014.

24 A. Yes.

25 Q. And this was an e-mail that you sent after meeting with

I7qnrav3

Dunn - direct

1 Nancy Xu, correct?

2 A. Yes, that's correct.

3 Q. Nancy Xu was the witness who described herself as biased
4 and very loyal, correct?

5 A. Yes, that's correct.

6 Q. After that meeting you wrote, "I think the original plan of
7 additional Title IX training for Professor Bekaert would be
8 appropriate."

9 Did I read that correctly?

10 A. Yes, you did.

11 Q. Let's turn to Exhibit 75, which I believe is already in
12 evidence. On September 15, 2014, two months before you
13 completed your investigation, you told Vice Dean Horan that,
14 "Whatever the outcome of this matter, sexual harassment
15 training would be appropriate." Correct?

16 A. Yes, that's correct.

17 Q. You recommended that a lawyer named Mary Ellen Donnelly
18 provide the training, correct?

19 A. Yes, that's correct.

20 Q. Mary Ellen Donnelly is someone that Columbia worked with
21 frequently around these issues, correct?

22 A. To the best of my knowledge, yes.

23 Q. Mary Ellen Donnelly is a defense attorney who represents
24 management in employment discrimination cases, especially in
25 higher education, correct?

I7qnrav3

Dunn - direct

1 A. I don't have any basis to know that.

2 Q. You recommended Mary Ellen Donnelly, correct?

3 A. Yes, that's correct.

4 Q. But it's your testimony that you didn't know that she was a
5 defense attorney who represents management in employment
6 discrimination matters, especially in higher education?

7 A. Today, four years after the fact, I don't recall that
8 information. I don't know if I knew it at the time.

9 Q. Let's turn back to Plaintiff's Exhibit 90, your outcome
10 letter in Professor Ravina's complaint. When you issued your
11 outcome letter, your final recommendation was that Professor
12 Bekaert receive a training on appropriate professional
13 communications, right?

14 A. Right.

15 Q. As part of your final outcome letter, you did not recommend
16 that Professor Bekaert engage in any training on gender
17 discrimination, correct?

18 A. Correct.

19 Q. As part of your final outcome letter, you did not recommend
20 that Professor Bekaert engage in any training on discriminatory
21 harassment, correct?

22 A. Correct.

23 Q. As part of your final outcome letter, you did not recommend
24 that Professor Bekaert engage in any training on sexual
25 harassment, correct?

I7qnrav3

Dunn - direct

1 A. Correct.

2 Q. You did not have any antidiscrimination, antiharassment or
3 antiretaliation training in mind when you recommended that he
4 receive training on appropriate professional communications,
5 correct?

6 A. Yes, that's correct.

7 Q. I would like to turn to the topic of retaliation.

8 When Professor Ravina met with you, she expressed
9 concern about retaliation from Professor Bekaert, correct?

10 A. Yes, I believe so.

11 Q. Let's turn back to Exhibit 63. On the third page you
12 wrote, "Concerned re retal."

13 Did I read that correctly?

14 A. Yes.

15 Q. Continuing on from where you wrote, "Concerned re retal.,"
16 you wrote, "GB doesn't respect the rules. Worried he'll spread
17 bad things to other colleagues."

18 Did I read that accurately?

19 A. Yes, you did.

20 Q. When you wrote, "GB doesn't respect the rules," you were
21 referring to professor Geert Bekaert, correct?

22 A. Yes, that's correct.

23 Q. When you wrote, "Worried he'll spread bad things to other
24 colleagues," it was Professor Ravina who was worried that
25 Professor Bekaert would spread bad things to other colleagues,

I7qnrav3

Dunn - direct

1 correct?

2 A. Yes, that's correct.

3 Q. Professor Ravina expressed to you that she was fearful that
4 Professor Bekaert may poison other colleagues' impressions of
5 her, correct?

6 A. I am not sure if she used the words "fearful" and "poison,"
7 but it has a similar meaning to what's reflected here.

8 Q. In your outcome letter you wrote to Professor Ravina, "You
9 expressed concern about retaliation and fear that Professor
10 Bekaert may poison other colleagues' impressions of you."

11 Is that right?

12 A. Yes, that's right.

13 Q. Professor Ravina expressed concern to you that if she upset
14 Professor Bekaert he would not continue to work on the project,
15 correct?

16 A. Yes, that's correct.

17 Q. Turning back to Exhibit 63, on page 4, your interview notes
18 state, "She can't avoid him fully. If I upset him, he won't
19 work."

20 Do you see that?

21 A. Yes, I do.

22 Q. During your interviews with Professor Bekaert, you
23 recognized that he was upset about Professor Ravina's complaint
24 against him, right?

25 A. I believe so, yes.

I7qnrav3

Dunn - direct

1 Q. Professor Bekaert admitted to you that the joint research
2 between him and Professor Ravina was not at the top of his list
3 because he was upset with Professor Ravina, correct?

4 A. I believe so, yes.

5 Q. Professor Bekaert told you that he felt stabbed in the back
6 by Professor Ravina sharing her concerns with the dean's office
7 at Columbia Business School, correct?

8 A. It would be helpful to see the notes to refresh my memory,
9 but I believe that sounds accurate.

10 Q. In your outcome letter you wrote, "Professor Bekaert said
11 that he felt 'stabbed in the back' when he found out that you
12 forwarded to Dean Hubbard the e-mails you and Professor Bekaert
13 exchanged in spring 2014." Correct?

14 A. Yes, correct.

15 Q. Professor Bekaert told you that Professor Ravina got under
16 her skin -- got under his skin, correct?

17 A. Yes, that's correct.

18 Q. Let me restate that question so it's clear.

19 Professor Bekaert told you that Professor Ravina got
20 under his skin, correct?

21 A. Yes, that's correct.

22 Q. Let's turn back to Exhibit 77. At page 5 you say in your
23 notes: "When ER's e-mails went to dean, GB felt stabbed in the
24 back. She got under his skin with them. Then she got stand
25 off."

I7qnrav3

Dunn - direct

1 Did I read that correctly?

2 A. I think the last word might be "standoffish," but otherwise
3 it was correct.

4 Q. Let me read that again, then.

5 You wrote: "When ER's e-mails went to dean GB felt
6 stabbed in back. She got under his skin with them. Then she
7 got standoffish."

8 Correct?

9 A. Yes, that's correct.

10 Q. I'm going to show you Plaintiff's Exhibit 47, which is in
11 evidence already.

12 Do you recognize this document?

13 A. Yes, I do.

14 Q. This is an e-mail that Professor Ravina shared with you in
15 the course of your investigation?

16 A. Yes, it is.

17 Q. Professor Ravina also talked to you about this e-mail
18 during an interview, correct?

19 A. I believe so, yes.

20 Q. Turning back to exhibit -- actually before we go there, in
21 this e-mail Professor Bekaert wrote to Professor Ravina saying:
22 "The dean's office has told me not to talk to you, hence the
23 silence. If you want to explain yourself, you can. I'm here.
24 I'm intrigued to know who set you up to this."

25 Did I read that correctly?

I7qnrav3

Dunn - direct

1 A. Yes, you did.

2 Q. Professor Ravina talked to you about this e-mail during
3 your interview, correct?

4 A. I believe so, yes.

5 Q. Turning back to Exhibit 63, on the second page. There's a
6 discussion in the second to last paragraph of your notes. Is
7 that a discussion of that e-mail?

8 A. Yes, it is.

9 Q. The notes read: "In meantime, she runs into GB in a hall.
10 Then GB e-mails E without CC'ing Glenn. Sorry for the silence.
11 They said I can't talk to you. If you want, you can explain
12 yourself. I'm in office. Intrigued to know who put you up to
13 this."

14 Did I read your notes correctly?

15 A. Yes, you did.

16 Q. After the description of that e-mail in your notes, your
17 notes contain the word "intimidating."

18 Did I read that correctly?

19 A. Yes, you did.

20 Q. The next line says, "She e-mailed Glenn, etc.," correct?

21 A. Yes, that's correct.

22 Q. And Glenn refers to the dean of Columbia Business School,
23 Glenn Hubbard, correct?

24 A. Yes, that's correct.

25 Q. When you were investigating Professor Ravina's concerns,

I7qnrav3

Dunn - direct

1 Columbia had a policy that prohibits retaliation, correct?

2 A. Yes, that's correct.

3 Q. Let's turn back to those policies. Exhibit 17, on page 4.

4 "Columbia's employment policies and procedures on

5 discrimination and harassment, say the following with respect

6 to retaliation:

7 "Retaliation occurs when an employer takes an adverse
8 action against an employee because she or he has engaged in a
9 protected activity, such as filing a complaint of
10 discrimination or harassment. Retaliation may be found even
11 when the underlying charge does not constitute discrimination
12 or harassment in violation of university of policies, and all
13 persons who participate in a discrimination or harassment
14 proceeding, not only the complainant, are protected against
15 retaliation."

16 Did I read that correctly?

17 A. Yes, you did.

18 Q. The policy continues: "A retaliatory adverse action is an
19 action taken to deter a reasonable person from opposing a
20 discriminatory or harassing practice, and/or from participating
21 in a discrimination or harassment proceeding or more generally,
22 from pursuing his/her rights. Examples of adverse actions
23 include termination, denial of promotion or demotion, and
24 unjustified negative evaluations or references."

25 Did I read that correctly?

I7qnrav3

Dunn - direct

1 A. Yes, you did.

2 Q. Under Columbia's policy, then, retaliatory adverse actions
3 include termination, correct?

4 A. Yes.

5 Q. Include denial of promotion or demotion, correct?

6 A. Yes, that's correct.

7 Q. And under Columbia's policies retaliatory adverse action
8 includes unjustified negative evaluations or references,
9 correct?

10 A. Yes, that's correct.

11 Q. When you worked at Columbia you investigated very few
12 retaliation complaints, correct?

13 A. Yes, that's correct.

14 Q. And you did not investigate whether Professor Bekaert
15 violated Columbia's policy against retaliation, correct?

16 A. Yes, that's correct.

17 Q. You never investigated whether Professor Bekaert disparaged
18 Professor Ravina to other colleagues, correct?

19 A. Yes, that's correct.

20 Q. You concluded that investigating whether Professor Bekaert
21 poisoned other than colleagues' impressions of Professor Ravina
22 would be going too broad in the scope of the investigative
23 process, correct?

24 A. Yes, that's correct.

25 Q. I would like to bring up Plaintiff's Exhibit 61.

I7qnrav3

Dunn - direct

1 This is an e-mail from Professor Bekaert dated August
2 6, 2014.

3 Were you aware that while your investigation into
4 Professor Ravina's complaint was pending Professor Bekaert sent
5 an e-mail from his Columbia e-mail address asking if he could
6 just strangle Professor Ravina and get it over with?

7 A. The question is was I aware of this e-mail?

8 Q. Were you aware of Professor Bekaert sending this e-mail
9 saying "can I just strangle her and get it over with"?

10 MS. FISCHER: Objection.

11 THE COURT: Has this been admitted?

12 MS. FISCHER: I believe it has.

13 The witness -- you can't see the e-mail. It is just
14 one section that they are showing him. Can they show the
15 witness a copy.

16 THE COURT: Sure.

17 Why don't you show the witness a copy.

18 MS. HARWIN: Sure.

19 THE COURT: Thanks.

20 THE WITNESS: Thank you.

21 THE COURT: Is this something you've ever seen before?

22 THE WITNESS: No, it is not.

23 BY MS. HARWIN:

24 Q. Director Dunn, in the course of your investigation, you did
25 not become aware that Professor Bekaert sent an e-mail from his

I7qnrav3

Dunn - direct

1 Columbia e-mail address asking if he could just strangle
2 Professor Ravina and get it over with, correct?

3 MS. FISCHER: Objection.

4 THE COURT: Sustained. I think he already said that
5 he had never seen the e-mail.

6 BY MS. HARWIN:

7 Q. Director Dunn, you had a close working relationship with
8 Vice Dean Janet Horan and others at Columbia Business School,
9 correct?

10 A. Yes, that's correct.

11 Q. At some point you told Vice Dean Horan that Professor
12 Ravina's case had been a real burden for her and her
13 colleagues?

14 A. Yes, I believe I wrote -- actually can we look at the
15 e-mail that it's from?

16 Q. If we turn to Plaintiff's Exhibit 75, on that first
17 paragraph -- I'm sorry, in the second paragraph the first
18 sentence says: Thanks, Janet, and again, I'm sorry I haven't
19 been able to wrap this up more quickly. I know it's been a
20 real burden for you and your colleagues."

21 Did I read that correctly?

22 A. Yes, you did.

23 Q. Professor Ravina expressed concern to you that Professor
24 Bekaert was stalling her research under the university's watch,
25 correct?

I7qnrav3

Dunn - direct

1 A. Yes, that's correct.

2 MS. HARWIN: I move to admit Defendants' Exhibit IT.

3 THE COURT: Any objection?

4 MS. FISCHER: No objection.

5 THE COURT: IT will be admitted.

6 (Defendant's Exhibit IT received in evidence)

7 BY MS. HARWIN:

8 Q. Director Dunn, these are typed notes that you prepared from
9 your interview with Professor Ravina on November 12, 2014, is
10 that correct?

11 A. Yes, that is correct.

12 Q. You wrote in your notes from meeting with Professor Ravina,
13 "He's senior to her. Been stalling her papers for 6-7 months
14 under the university's watch and for 1 year before that."

15 Did I read that correctly?

16 A. Yes, you did.

17 Q. Turning back to Exhibit 63, your notes from your first
18 meeting with Professor Ravina, on that last page you wrote,
19 "New relationship manager, Daniel W. Glenn punted it to DW, to
20 EOAA. Seems to think nothing will happen."

21 Did I read that accurately?

22 A. Yes, you did.

23 THE COURT: These are your notes of what Professor
24 Ravina was saying to you?

25 THE WITNESS: Yes, that's correct.

I7qnrav3

Dunn - direct

1 BY MS. HARWIN:

2 Q. Professor Ravina reported to you that Dean Hubbard punted
3 it, correct?

4 A. Yes, that's correct.

5 Q. Professor Ravina reported to you that Dean Hubbard seemed
6 to think nothing would happen, correct?

7 A. Based on my reading of these notes, my impression would be
8 that Professor Ravina seemed to think that nothing would
9 happen.

10 Q. That's your interpretation today?

11 A. Yes.

12 Q. You didn't report Professor Ravina's comments about Dean
13 Hubbard in your outcome letter, correct?

14 A. That's correct.

15 Q. Professor Ravina also reported to you about a meeting she
16 had with Senior Vice Dean Phillips, correct?

17 A. Yes, that's correct.

18 Q. Turning to page 3 of these notes, the first paragraph, it
19 says, "KP "--

20 That's a reference to Kathy Phillips, the senior vice
21 dean?

22 A. Yes.

23 Q. "Katherine Phillips told Enrichetta, I want you to be happy
24 in life. Enrichetta, I just want professional working
25 environment, not life advice."

I7qnrav3

Dunn - direct

1 Did I read that correctly?

2 A. Yes, that's correct.

3 MS. FISCHER: Can we clarify whose notes -- whose
4 statements these are.

5 THE COURT: Again, is this from what Professor Ravina
6 is saying to you?

7 THE WITNESS: Yes. This is what Professor Ravina told
8 me about this interaction with Kathy Phillips.

9 BY MS. HARWIN:

10 Q. Professor Ravina reported to you this interaction with
11 Senior Vice Dean Phillips, correct?

12 A. Yes.

13 Q. But you didn't report Professor Ravina's comments about
14 Senior Vice Dean Phillips in your outcome letter, correct?

15 A. Yes, that's correct.

16 Q. In addition to investigating Professor Ravina's complaints,
17 from time to time you were asked to provide the dean's office
18 of Columbia Business School with guidance and additional
19 information about her case, correct?

20 A. Yes, that's correct.

21 Q. You provided the dean's office with advice on e-mails they
22 wanted to send to Professor Bekaert and Professor Ravina,
23 correct?

24 A. Yes, that is correct.

25 Q. You also provided the dean's office with advice on what

I7qnrav3

Dunn - direct

1 they should say to Professor Ravina in person, correct?

2 A. Yes, that is correct.

3 Q. Before Professor Ravina met with Dean Hubbard and Vice Dean
4 Horan on September 16, 2014, you provided Vice Dean Horan
5 bullet points for that meeting, correct?

6 A. I believe so, but it would help to see the e-mail again.

7 Q. Let's bring back up Exhibit 75.

8 Turning to the bottom e-mail there, you wrote,
9 "Following up on our conversation, here are some bullet points
10 in preparation for your meeting tomorrow." Correct?

11 A. Yes, that's correct.

12 Q. You provided bullet points for their meeting, correct?

13 A. Yes, that is correct.

14 Q. OK. And then, turning to a subsequent e-mail, in your
15 e-mail to Vice Dean Horan above, you told her that it would be
16 fine to talk to Professor Ravina about the "unprofessional tone
17 of the communications."

18 Is that correct?

19 A. Yes, that's correct.

20 Q. We talked about before that you interviewed just one
21 third-party witness besides Professor Ravina and Professor
22 Bekaert when you investigated Professor Ravina's complaint, but
23 you didn't complete your investigation into Professor Ravina's
24 complaint until November 17, 2014, correct?

25 A. Yes, that is correct.

I7qnrav3

Dunn - direct

1 Q. This was about four months after you had been contacted by
2 the dean's chief of staff at Columbia Business School.

3 A. Yes, that is correct.

4 Q. Looking back, you wish that you had completed your
5 investigation into Professor Ravina's complaint more quickly,
6 correct?

7 A. Yes, that's correct.

8 Q. You believed that completing your investigation in a
9 shorter time frame would have made Professor Ravina's situation
10 better, correct?

11 A. Yes, that's correct.

12 Q. One of the reasons it took four months to complete your
13 investigation was the high caseload you had, correct?

14 A. Yes, that's correct.

15 Q. Columbia considered it prompt to complete an investigation
16 within 60 days, is that correct?

17 A. Yes, that's correct.

18 Q. But due to the volume of cases and the EOAA's limited
19 staffing, Columbia wasn't always able to complete
20 investigations in 60 days, correct?

21 A. Yes, that's correct.

22 Q. You didn't complete Professor Ravina's investigation in 60
23 days, correct?

24 A. Yes, that's correct.

25 Q. You didn't complete the student investigation's complaint

I7qnrav3

Dunn - direct

1 into Professor Bekaert in 60 days, correct?

2 A. Yes, that's correct.

3 Q. You also investigated a complaint about a male professor at
4 Columbia Business School who had sexual relations with a female
5 student, correct?

6 A. Yes, that is correct.

7 Q. Columbia received a report about this male professor
8 through the university's compliance hotline, correct?

9 A. Yes. That is correct.

10 MS. HARWIN: Move to admit Plaintiff's Exhibit 69.1.

11 THE COURT: Any objection?

12 MS. FISCHER: No objection.

13 THE COURT: 69.1 will be admitted.

14 (Plaintiff's Exhibit 69.1 received in evidence)

15 BY MS. HARWIN:

16 Q. Do you recognize Exhibit 69.1 as the compliance hotline
17 report about this male professor?

18 A. Yes, I do.

19 Q. And this hotline report was dated August 25, 2014, correct?

20 A. Yes, that is correct.

21 Q. This was submitted at the time that Professor Ravina's
22 complaint was also pending, correct?

23 A. Yes, that is correct.

24 Q. Turning to page 1 of the report, at the bottom, where it
25 says, "Report Summary."

I7qnrav3

Dunn - direct

1 The report alleged that a professor at Columbia
2 Business School had sexual relations likely in his office with
3 a business school student. Is that correct?

4 A. Yes, that is correct.

5 Q. Let's turn to the next page of the report. On the bottom
6 paragraph the report said, "The fact that this event occurred
7 and has become so well known, yet no action taken on the part
8 of Columbia, both creates an uncomfortable work environment for
9 female students, professors, and administration at the school."

10 You received this report?

11 A. Yes, I did.

12 Q. And you conducted an investigation, correct?

13 A. Yes, I did.

14 Q. As part of your investigation you interviewed the male
15 professor who was the subject of the complaint, correct?

16 A. Yes, I did.

17 Q. This male professor acknowledged that he had engaged in a
18 romantic and sexual relationship with a female student,
19 correct?

20 A. Yes, that's correct.

21 Q. And the male professor told you that he could not recall
22 with certainty the accuracy of the allegation that he had
23 engaged in sexual relations in his office at Columbia Business
24 School, is that correct?

25 A. Yes, that's correct.

I7qnrav3

Dunn - direct

1 Q. So the male professor's report to you was that he could not
2 recall with certainty the accuracy of that allegation, correct?

3 A. I'm sorry. Of which allegation?

4 Q. The allegation that he had engaged in sexual relations in
5 his office?

6 A. Yes, that is correct.

7 Q. Looking we are where in this hotline report, the allegation
8 states at the bottom, "The fact that this event occurred and
9 has become so well known, yet no action taken on the part of
10 Columbia, both creates an uncomfortable work environment for
11 female students, professors and administration at the school."

12 But the only female student you interviewed was the
13 one that this professor had sexual relations with, correct?

14 A. Yes, that is correct.

15 Q. You didn't interview any other female students about
16 whether this conduct had created an uncomfortable work
17 environment for them, correct?

18 A. Yes, that's correct.

19 Q. You didn't interview any female professors about whether
20 this conduct had created an uncomfortable work environment for
21 them, correct?

22 A. Yes, that's correct.

23 Q. The only professor you interviewed was a male professor who
24 claimed he had no knowledge of the allegations, correct?

25 A. Yes, that's correct.

I7qnrav3

Dunn - direct

1 Q. You didn't interview any female administrators about
2 whether this conduct had created an uncomfortable work
3 environment for them, correct?

4 A. Yes. That is correct.

5 Q. You found that the male professor's actions reflected poor
6 judgment and created a very difficult situation both
7 professionally and personally for the male professor and the
8 student, correct?

9 A. Yes, that is correct.

10 Q. But still you did not find that the male professor's
11 actions violated university policy, correct?

12 A. Yes, that is correct.

13 Q. You concluded in your letter --

14 MS. HARWIN: And let's bring it up, Plaintiff's
15 Exhibit 69.2. I move to admit, your Honor.

16 THE COURT: Do you recall if this student was in that
17 professor's class or one of his classes?

18 THE WITNESS: The student had been, but the
19 relationship began after the class had ended and after the
20 professor had submitted the grades, which is why it I didn't
21 violate any policy, because the professor had no academic
22 authority over the student.

23 THE COURT: Thanks.

24 Any objection to 69.2?

25 MS. FISCHER: No objection.

I7qnrav3

Dunn - direct

1 THE COURT: All right. It will be admitted.

2 (Plaintiff's Exhibit 69.2 received in evidence)

3 BY MS. HARWIN:

4 Q. You conclude on the second page of your letter, "At this
5 point" -- I apologize, the third page of your letter -- "I did
6 not find evidence to support that this relationship created a
7 hostile learning or working environment for the student," and
8 you continue -- let's go on to the paragraph right above.

9 It says, "At this point, I did not find evidence that
10 any other CBS faculty members, staff members or students
11 experienced a hostile environment because of this situation."

12 That's what you wrote?

13 A. Yes, that's correct.

14 Q. And that was your conclusion after you did not interview
15 any female professors, any female students, any female staff
16 other than the one student who had sexual relations with this
17 professor, correct?

18 A. Yes, that's correct.

19 Q. At the bottom of your letter you referred this matter to
20 CBS for appropriate action, correct?

21 A. Yes, that's correct.

22 Q. "CBS" means Columbia Business School?

23 A. Yes, it does.

24 Q. You did not recommend that this professor receive any
25 discipline, correct?

I7qnrav3

Dunn - direct

1 A. Correct.

2 Q. And you did not complete this investigation within the
3 60-day time frame that Columbia considers a prompt
4 investigation, correct?

5 A. That's correct.

6 Q. You also investigated a complaint against another male
7 professor at Columbia Business School, correct?

8 A. Yes, that's correct.

9 Q. And that investigation also took place during the fall of
10 2014, correct?

11 A. Yes, it did.

12 MS. HARWIN: Move to admit Exhibit 69.3.

13 THE COURT: Any objection?

14 You can just pass it up. Thanks.

15 MS. FISCHER: No objection.

16 THE COURT: All right. It will be admitted. Thanks.

17 (Plaintiff's Exhibit 69.3 received in evidence)

18 BY MS. HARWIN:

19 Q. Do you recognize this document as the EOAA complaint form
20 that you completed concerning the report against this other
21 male professor at Columbia Business School?

22 A. Yes, I do.

23 Q. The first page of the EOAA complaint report, under the
24 heading "Narrative Information" reads: "I got a call from
25 Janet Horan at CBS about" -- and the name has been redacted --

I7qnrav3

Dunn - direct

1 "an EMBA student said she had been in the professor's course
2 and that he was sexist, demeaning to women, and inappropriate.
3 The student referred Janet to the course evaluations, which
4 included these concerns."

5 Did I read that correctly?

6 A. Yes, you did.

7 Q. After being notified about this complaint, you did not
8 interview any students in this class besides the female student
9 who brought the complaint, correct?

10 A. Yes, that's correct.

11 Q. You reviewed some end-of-semester course evaluations for
12 the class?

13 A. Yes, I did.

14 MS. HARWIN: I move to admit Exhibit 69.5.

15 THE COURT: Any objection?

16 MS. FISCHER: No objection.

17 THE COURT: All right. 69.5 will be admitted.

18 (Plaintiff's Exhibit 69.5 received in evidence)

19 BY MS. HARWIN:

20 Q. Do you recognize Exhibit 69.5 as one of the course
21 evaluations that you reviewed for this male professor's class?

22 A. Yes, I do.

23 Q. Let's turn to the second page of the evaluation.

24 Under the heading, "Additional Comments About the
25 Instructor," it reads: "There was a severe lack of

I7qnrav3

Dunn - direct

1 psychological safety within this class due to the professor's
2 public shaming. This shaming occurred on both in class based
3 on in-class comments, based on turned-in confidential and
4 nonconfidential written assignments, as well as professor
5 requested constructive criticism about the class."

6 It continues, and there's a typo: "I was offended that
7 Columbia would hire a professor with overt sexism instilled
8 into his subconscious which affects his underlying values that
9 seep into his alignment, allocation, and critique of
10 assignments. This can be seen in his allocation of woman only
11 playing the role of woman and men only playing the role of men
12 in a role, until he runs of female in play scenarios. Tendency
13 to pick apart and put down the strongest and most well-spoken
14 woman in the class. Does not do the same with the all-male
15 groups."

16 Q. Did I read that correctly?

17 THE COURT: Just to be clear, does this have anything
18 to do with Professor Bekaert?

19 THE WITNESS: Absolutely not.

20 BY MS. HARWIN:

21 Q. This was another professor at Columbia Business School,
22 correct?

23 A. Yes, that is a correct.

24 Q. And this was an investigation?

25 MR. HERNSTADT: Your Honor, could we get the same

I7qnrav3

Dunn - direct

1 clarification about the professor No. 1 that we talked about.

2 THE COURT: I think I had asked that, but if not,
3 professor No. 1, the previous one, was also not about Professor
4 Bekaert, correct?

5 THE WITNESS: That's correct. It was not about
6 Professor Bekaert.

7 MS. HARWIN: I am going to move into introduce
8 Plaintiff's Exhibit 69.6.

9 Move to admit, your Honor.

10 THE COURT: Any objection?

11 MS. FISCHER: No objection.

12 THE COURT: All right. It will be admitted.

13 (Plaintiff's Exhibit 69.6 received in evidence)

14 BY MS. HARWIN:

15 Q. Showing you Exhibit 69.6, this is another of the course
16 evaluations you reviewed for this male professor's class,
17 correct?

18 A. Yes, that's correct.

19 Q. Turning to the second page, under Additional Comments About
20 the Instructor," the last line reads, "Most importantly, the
21 professor did not want to hear opposing views and would
22 verbally abuse and humiliate individuals based on personal,
23 ethnic reasons rather than the validity of the argument."

24 Did I read that correctly?

25 A. Yes, you did.

I7qnrav3

Dunn - direct

1 MS. HARWIN: I move to admit Plaintiff's Exhibit 69.7?

2 THE COURT: First, let me just clarify again, does
3 this have do with Professor Bekaert?

4 THE WITNESS: No.

5 THE COURT: What are these forms?

6 Are these forms that every student fills out after
7 every course?

8 THE WITNESS: Yes.

9 THE COURT: OK. All right. And this is for what
10 year? This was for the summer of 2014?

11 THE WITNESS: Yes.

12 THE COURT: OK. All right. You may proceed.

13 Is there any objection to 69.7?

14 MS. FISCHER: We don't have it.

15 THE COURT: Any objection?

16 MS. FISCHER: No objection, but we would appreciate
17 the same clarification.

18 THE COURT: OK. So this will be admitted.

19 (Plaintiff's Exhibit 69.7 received in evidence)

20 THE COURT: Again, if you can just at the start
21 clarify if this has anything to do with Professor Bekaert.

22 MS. HARWIN: Your Honor, just to be clear, we have
23 redactions that identify in these the professor as professor 2,
24 and in the complaint we were talking about redactions referring
25 to professor 1. So I think it is clear in the documents.

I7qnrav3

Dunn - direct

1 THE COURT: So, putting aside Professor Bekaert, about
2 whom these are not, these do not relate to him, we are talking
3 about a professor 1 and a professor 2?

4 MS. HARWIN: That's correct, your Honor.

5 THE COURT: OK.

6 BY MS. HARWIN:

7 Q. Director Dunn, turning to Exhibit 69.7, this is another
8 course evaluation that you read for this male professor's
9 class, professor 2, correct?

10 A. Yes.

11 Q. Turning to the second page, the first sentence, "Professor
12 2 was at best ineffective and at worst inappropriate."

13 Did I read that correctly?

14 A. Yes, you did.

15 Q. You issued an outcome letter at the end of your
16 investigation into this professor, professor 2?

17 A. Yes, I did.

18 MS. HARWIN: Move to admit Exhibit 69.4, the outcome
19 letter at the end of that investigation.

20 THE COURT: Any objection?

21 MS. FISCHER: No objection.

22 THE COURT: All right. It will be admitted.

23 (Plaintiff's Exhibit 69.4 received in evidence)

24 BY MS. HARWIN:

25 Q. Mr. Dunn, you recognize this as the outcome letter that

I7qnrav3

Dunn - direct

1 concluded your investigation into professor 2, correct?

2 A. Yes, I do.

3 Q. You did not state in your outcome letter that a student
4 complained about the male professor's overt sexism, correct?

5 A. I did not use those words "overt sexism" in the letter to
6 the best of my knowledge, but I did address --

7 Q. Thank you. You did not state in your outcome letter that a
8 student complained about a lack of psychological safety in the
9 male professor's classroom, correct?

10 A. I believe that's correct, yes.

11 Q. After interviewing no students in the class besides the one
12 who brought the initial complaint, you concluded that you had
13 not found evidence to support that it was more likely than not
14 that this male professor violated Columbia's employment
15 policies, correct?

16 A. Yes, that is correct.

17 Q. And nowhere in this outcome letter did you use the word
18 "sexism," correct?

19 A. May I look at the next page of the document? I don't
20 believe I used the word "sexism," no.

21 Q. Turning to the last page, you referred this matter to
22 Columbia Business School for "appropriate follow-up", is that
23 correct?

24 A. Yes, that is correct.

25 Q. And you did not receive -- you did not make any

I7qnrav3

Dunn - direct

1 recommendation that this male professor receive any discipline,
2 correct?

3 A. Yes. That is correct.

4 Q. Your only recommendation for follow-up was that professor 2
5 visit Columbia Business School's Institute for Teaching
6 Excellence to ensure that his pedagogical methods and goals are
7 aligned with the values and expectations of the CBS community.

8 Is that correct?

9 A. I recommended that he continue to work at the Teaching
10 Excellence Institute since he had already been connected with
11 them.

12 Q. Your recommendation was that he work with the Institute for
13 Teaching Excellence to "insure that your pedagogical methods
14 and goals are aligned with the values and expectation of the
15 CBS community," correct?

16 A. My recommendation was that he continue --

17 Q. Did I quote you accurately?

18 A. I think it is an incomplete quote, but it is literally
19 accurate.

20 Q. You recommended that he continue working with the Center
21 for Teaching Excellence, correct?

22 A. Yes, that is correct.

23 MR. HERNSTADT: Your Honor.

24 THE COURT: Yes.

25 MR. HERNSTADT: I just note that the transcript shows

I7qnrav3

Dunn - direct

1 that she literally did not quote it accurately. She left out
2 words.

3 THE COURT: It is in front of the jurors in any event,
4 so I will leave it to them to read it.

5 (Continued on next page)

I7g1rav4

Dunn - Direct

1 BY MS. HARWIN:

2 Q. Director Dunn, today we talked about four different
3 investigations that you did -- two investigations into
4 Professor Bekaert and two investigations into other male
5 professors at Columbia Business School, correct?

6 A. Yes, that's correct.

7 Q. All of these investigations were conducted in the year
8 2014, correct?

9 A. Yes, that is correct.

10 Q. None of these investigations were completed within 60 days,
11 correct?

12 A. Yes, that is correct.

13 Q. All of these investigations were against male professors at
14 Columbia Business School, correct?

15 A. Yes, that is correct.

16 Q. All of these investigations involved allegations of sexual
17 harassment, correct?

18 A. Yes, that is correct.

19 Q. And in none of these investigations did you conclude with a
20 finding that Columbia's policies had been violated, correct?

21 A. Yes, that is correct.

22 Q. And at the conclusion of all of these investigations, you
23 did not recommend any disciplinary action, correct?

24 A. Yes, that is correct.

25 Q. Director Dunn, when you worked as the Director of

I7g1rav4

Dunn - Direct

1 Columbia -- I'm sorry. Let me restate that.

2 Director Dunn, when you worked at Columbia as the
3 university's director of investigations and deputy Title IX
4 director, Columbia had over 40,000 students, faculty, and
5 staff, correct?

6 A. Yes, I believe that's correct.

7 Q. Was it over 45,000 students, staff, and faculty at Columbia
8 University at that time?

9 A. I don't know.

10 Q. I want to turn back to your investigation of Professor
11 Ravina's complaint.

12 Turning back to Exhibit 90, on the last page, at the
13 conclusion of your investigation, you wrote, "I refer this
14 matter to CBS for appropriate action and training." Correct?

15 A. Yes, that's correct.

16 Q. CBS again referred to Columbia Business School, correct?

17 A. Yes.

18 Q. The reason you included that language was to make sure that
19 Columbia Business School had the flexibility to take steps
20 beyond simply training, correct?

21 A. Yes.

22 Q. You thought that your EOAA letter gave Columbia Business
23 School the flexibility to re-assign work projects, correct?

24 A. Yes.

25 Q. You're not aware of any Columbia policy that prohibited

I7glrav4

1 Columbia administrators from taking action to address Professor
2 Ravina's complaint after you found no violation of Columbia's
3 sexual harassment policy, correct?

4 A. There were a lot of negatives in that sentence. Could you
5 just say that one more time, please.

6 Q. You're not aware of any Columbia policies that prohibited
7 Columbia administrators from taking action to address Professor
8 Ravina's complaint after you found no violation of Columbia's
9 sexual harassment policies, correct?

10 A. Yes, that's correct.

11 MS. HARWIN: Your Honor, I believe we're at the
12 conclusion of my examination. There are some documents I'll
13 want to double-check have been admitted into evidence, but in
14 order to not waste the jury's time, I'm happy to do that
15 checking over lunch and then get back to Court.

16 THE COURT: That's fine.

17 Okay. Are you prepared to start the cross-examination
18 now or would you rather take an early lunch?

19 MS. FISCHER: If we could take an early lunch, I would
20 appreciate that.

21 THE COURT: So why don't we take an early lunch.
22 We'll go until 1:30. And just remember, keep an open mind and
23 don't discuss the case. Thank you.

24 (Continued on next page)

I7g1rav4

(Jury not present)

THE COURT: Do you want to do deposition designations now or would you rather take the hour for lunch and do it at the end of the day? We have three left. I'm happy to do them at the end of the day.

MS. FISCHER: I would prefer the end of the day.

THE COURT: That's fine. Thanks.

MS. PLEVAN: I had been asked to produce Dean Hubbard today, but I don't think we're going to get to him, but are you still asking --

THE COURT: Let me know. How long is your cross? If we come back at 1:30, then we have four hours.

MS. FISCHER: It's going to be several hours.

MR. HERNSTADT: And your Honor, then we have to complete Professor Bekaert, and that is not going to be completed --

THE COURT: Is Professor Bekaert going before Dunn? Oh, then there's no way we'll get to him.

MS. PLEVAN: Before Hubbard.

THE COURT: Before Hubbard. Excuse me. That's what I meant. So then there's no way we're going to get to him. There's no reason for him to come today.

MS. PLEVAN: Okay. He was happy to come, but --

THE COURT: Okay. Thank you.

(Luncheon recess)

I7g1rav4

Dunn - Cross

AFTERNOON SESSION

1:41 p.m.

(In open court; jury not present)

THE COURT: The jury is back now. We're going to bring them in now.

I think when we hand the exhibits out, just going forward for plaintiffs, could you do it a little bit faster, like maybe have one other person hand it back and hand it up to me at the same time, just to speed things up a little bit.

MS. HARWIN: Absolutely.

THE COURT: Great. Thank you so much.

Other than the deposition designations and the damage issues, are there any other rulings that you're waiting for? We'll talk about it at the break.

(Continued on next page)

I7g1rav4

Dunn - Cross

1 (Jury present)

2 THE COURT: Everyone can be seated. Thank you.

3 You may proceed.

4 CROSS-EXAMINATION

5 BY MS. FISCHER:

6 Q. Good afternoon, Mr. Dunn.

7 A. Good afternoon.

8 Q. Do you recall this morning you were asked some questions by
9 Professor Ravina's lawyer about your background and your
10 résumé?

11 A. Yes.

12 Q. Without going over all that again, I'd like to just start
13 with your role as director of investigations at Columbia.

14 When did you start working in that position?

15 A. In summer of 2013.

16 Q. What were the duties, your duties and responsibilities as
17 director of investigations and Title IX coordinator at
18 Columbia?

19 A. As director of investigations and deputy Title IX
20 coordinator for faculty and staff concerns, I was responsible
21 for investigating allegations of violations of the policy on
22 discrimination and harassment for employees, as well as
23 providing training to different groups of students, faculty,
24 and staff at the schools throughout the university.

25 Q. Did Columbia provide you with any training in connection

I7g1rav4

Dunn - Cross

1 with your position?

2 A. Yes, they did.

3 Q. What kind of training did Columbia provide to you?

4 A. Right before I began the position officially, I attended a
5 institute that was put on by the Association of Title IX
6 Administrators, or ATIXA, and it was a Title IX coordinator
7 training to learn about Title IX, about the role of a
8 coordinator, how to investigate, things like that.

9 And then in addition, a couple weeks after that, I
10 went to the conference of the National Association of College
11 and University Attorneys, or NACUA, and I attended a number of
12 sessions on Title IX issues there as well.

13 And then throughout my time working in EOAA, we had
14 other trainings through webinars we participated in, outside
15 trainers coming in to provide in-services for us, things like
16 that.

17 MS. HARWIN: Your Honor, I would note that the
18 realtime feed is not coming through.

19 THE COURT: All right. We will look into that. Thank
20 you.

21 BY MS. FISCHER:

22 Q. I believe you testified earlier to this, but what was the
23 name of the boss you reported to?

24 A. Melissa Rooker.

25 Q. Did you communicate with her about investigations you were

I7glrav4

Dunn - Cross

1 working on?

2 A. Yes.

3 Q. In what way would you discuss investigations with her?

4 A. She and I stayed in very close contact throughout
5 investigations. I would talk to her about interviews I was
6 conducting, how they were going, what I learned, what my next
7 steps were going to be, how things were proceeding. I really
8 valued her insights and her thoughts on the best way to
9 proceed.

10 Q. Would she provide input to you and give her insights to
11 you, just to be clear?

12 A. Yes, she would.

13 Q. At some point did your employment with Columbia come to an
14 end?

15 A. Yes, it did.

16 Q. And when was that?

17 A. June 2015.

18 Q. Did you leave Columbia voluntarily?

19 A. I did, yes.

20 Q. And when you stopped working at Columbia, did you become
21 employed somewhere else?

22 A. Yes. I took on a new role elsewhere.

23 Q. I'm not sure I heard that. Sorry?

24 A. Sorry. Yes, I took on a new role elsewhere.

25 Q. Where do you currently work?

I7glrav4

Dunn - Cross

1 A. I work at St. Mary's College in Maryland.

2 Q. Why did you leave Columbia in June of 2015?

3 A. It was a mix of personal and professional reasons. We
4 found out we were having a third kid, and Manhattan is just a
5 tough place to raise a family. Maryland is close to where all
6 of our family lives and so we really wanted to be near them.
7 And the role at St. Mary's College in Maryland was to be
8 Title IX coordinator there, and I had found from my work at
9 EOAA that I really enjoyed working on Title IX issues in
10 particular, and this new role gave me the chance to be more
11 student facing and working with students, which I really value
12 also, so it seemed like a really good fit in those ways.

13 Q. Do you recall being asked this morning about ever feeling
14 overwhelmed in your position at Columbia?

15 A. Yes, I do.

16 Q. Can you please explain whether you felt overwhelmed and how
17 so.

18 A. I think in any stressful job, you know, there are always
19 moments when you feel overwhelmed, just given the workload and
20 the finite resources there are. You know, I found the work
21 really meaningful and challenging, and it gave me a lot of
22 satisfaction. I felt like I was doing good. But it was
23 certainly overwhelming at times in terms of the workload and
24 just the sensitivity and difficulty of the issues we were
25 dealing with, and the personal costs it had on the folks

I7g1rav4

Dunn - Cross

1 involved.

2 MS. FISCHER: I'd like to turn now to Plaintiff's 17,
3 which is admitted.

4 Q. And Mr. Dunn, I think you testified earlier you're familiar
5 with this policy?

6 A. Yes.

7 Q. What is the purpose of this policy?

8 A. So the purpose of this policy is to, you know, articulate
9 that Columbia University doesn't tolerate discrimination and
10 harassment. And it explains the role of EOAA in enforcing the
11 policies on discrimination and harassment, which include things
12 like, as we discussed this morning, discriminatory harassment,
13 sexual harassment, sexual assault, retaliation, and this policy
14 outlines what options and resources people have if employees
15 allegedly violate these issues and how those situations can be
16 addressed.

17 Q. So does this policy address what someone can do or should
18 do if they experience the type of behavior that's prohibited
19 under the policy?

20 MS. HARWIN: Objection.

21 THE COURT: Overruled.

22 A. Yes, it does.

23 MS. FISCHER: If we could go to page 6 of the policy,
24 please.

25 Q. On this document you see there's (A) preliminary review and

I7g1rav4

Dunn - Cross

1 (B) formal investigation are indicated here? Do you see that,
2 Mr. Dunn?

3 A. Yes.

4 Q. Can you please explain what Columbia's practice was with
5 respect to investigations.

6 A. Columbia's practice, you know, when I worked in EOAA was to
7 really use the preliminary review framework to investigate
8 these matters, as indicated in the outcome letter. And so, you
9 know, we would still conduct the same kind of investigation in
10 terms of talking to the parties, talking to witnesses,
11 gathering evidence, but we used the preliminary review
12 framework.

13 Q. When you were employed by Columbia, did the name Enrichetta
14 Ravina ever come to your attention?

15 A. Yes, it did.

16 Q. Do you recall how it was that Professor Ravina first came
17 to your attention?

18 A. I believe I got a phone call from Laura Lee in July of 2014
19 informing me of this issue between Professor Ravina and
20 Professor Bekaert and letting me know that some EOAA-related
21 matters had come up in the course of the business school's
22 efforts to address the situation.

23 Q. I'd like to show you what's been marked Defendant's ET.

24 MS. FISCHER: I don't believe it's in evidence.

25 THE COURT: Any objection?

I7g1rav4

Dunn - Cross

1 MS. HARWIN: No, your Honor.

2 THE COURT: All right. ET will be admitted. Thank
3 you.

4 (Defendant's Exhibit ET received in evidence)

5 BY MS. FISCHER:

6 Q. Mr. Dunn, if you look at page 2 of this document, starting
7 in the middle of the page, it is an email from Laura Lee and it
8 begins, "Dear Michael." Do you see that?

9 A. Yes, I do.

10 Q. What did Laura Lee tell you that she had -- what did Laura
11 Lee tell you in this email?

12 A. Basically she made me aware of the situation that folks in
13 the business school had been working on between Professor
14 Ravina and Professor Bekaert. Ms. Lee talked about some of the
15 meetings that had been had with Professor Goldberg and other
16 folks at the business school, and it also talked about some of
17 the remedies that the business school was trying to implement
18 and the steps they were taking to address the situation.

19 MS. FISCHER: If we could go to page 3.

20 Q. Do you see on that, right toward the bottom there, it says,
21 "Glenn would also like to set up one-on-one Title IX training
22 for Geert." I believe you were asked about that this morning.
23 Is Glenn Hubbard -- is the Glenn noted here Glenn Hubbard?

24 A. Yes.

25 Q. He's the dean of the business school?

I7glrav4

Dunn - Cross

1 A. Yes.

2 MS. FISCHER: And if we could go back to page 2.

3 Q. The top of the page, the sentence beginning with Third, it
4 says, "Third, we should discuss further the idea of Title IX
5 training for Geert. We may need to engage an outside trainer
6 here."

7 Why did you suggest Title IX training in response to
8 Laura Lee's July 19th email?

9 A. I was responding to Professor Hubbard's suggestion, which
10 Laura had articulated, that he wanted to set up one-on-one
11 training for Professor Bekaert, so I was trying to, you know,
12 follow up on that idea to continue that conversation.

13 Q. If you look at page 1 of that email, please. There's an
14 email from Katherine Phillips, also known as Kathy Phillips, to
15 you.

16 MS. FISCHER: If we could just zoom in on that, the
17 first paragraph.

18 Q. The first reads, "I had been meaning to make one correction
19 to the information provided by Laura. That is that Enrichetta
20 had a follow-up conversation only with me. Glenn was not
21 present at the meeting. I met with Enrichetta on July 16, 2014
22 at 11:30 a.m. It was that meeting that she mentioned possible
23 sexual innuendo. She noted that Geert had repeatedly asked
24 throughout the dinner that she was -- had been trying to avoid
25 him and that she thought he might have had more intentions than

I7g1rav4

Dunn - Cross

1 just dinner." Do you see that?

2 A. Yes, I do.

3 Q. How long after that report had been made to Kathy Phillips
4 were you made aware of Professor Ravina's complaint of sexual
5 innuendo?

6 A. Based on these emails, it looked like I was made aware in
7 the -- I believe the 18th or the 19th, so just a couple days
8 after that meeting between Professor Ravina and Kathy Phillips.

9 MS. FISCHER: Going back to page 2, please.

10 Q. The second paragraph in the email from Laura Lee to you,
11 Mr. Dunn, that begins on June 16th, the second sentence says,
12 "As a follow-up, Enrichetta sent an email which I will forward
13 to you under separate cover with some suggested remedies for
14 the situation."

15 Was an additional email sent to you with the remedies
16 that were discussed?

17 A. Yes.

18 Q. And what did you understand those -- what's referred to
19 here as remedies, what did you understand those to be in
20 reference to?

21 A. They were in reference to the joint research project
22 between Professor Ravina and Professor Bekaert, you know, ways
23 to divide the authorship and to outline next steps,
24 implementing a relationship manager, things like that.

25 MS. FISCHER: I'd like to show the witness Exhibit EG,

I7glrav4

Dunn - Cross

1 which we're going to move into evidence.

2 THE COURT: Any objection to EG?

3 MS. HARWIN: No, your Honor.

4 THE COURT: All right. EG will be admitted.

5 (Defendant's Exhibit EG received in evidence)

6 BY MS. FISCHER:

7 Q. Looking at that email on the bottom of page 1, starts in
8 the middle of page from Professor Ravina to several people,
9 with Glenn Hubbard, Janet Horan, Suzanne Goldberg. The top --
10 I guess the third paragraph, "I've thought about it and a good
11 relationship manager would be Daniel Wolfenzon."

12 Do you have an understanding of what the relationship
13 manager was all about, as described here?

14 A. To the best of my recollection, my sense was that the
15 relationship manager would kind of serve as a mediator between
16 the two people and would just help kind of mediate the
17 conversations and the interactions between them as they -- as
18 they worked on these papers and moved forward on all the
19 research.

20 Q. And looking at the bottom of page 1 and the top of page 2,
21 does this appear to describe Professor Ravina's proposal as to
22 how to resolve her dispute with Professor Bekaert about who
23 should work on what paper? I guess that's on the bottom of
24 page 1.

25 MS. HARWIN: Objection.

I7g1rav4

Dunn - Cross

1 THE COURT: What's the objection?

2 MS. HARWIN: Mischaracterizes the email. It has some
3 further information before the proposal.

4 THE COURT: Can you rephrase the question.

5 MS. FISCHER: That's fine.

6 BY MS. FISCHER:

7 Q. Mr. Dunn, you were sent this email, this was forwarded to
8 you, correct?

9 A. Yes, it was.

10 Q. What did you understand to be contained in Professor
11 Ravina's email on the bottom of this page?

12 A. I understood this to be Professor Ravina's proposed
13 remedies for the solution and her summary of what she and the
14 business school folks had agreed on in terms of next steps.

15 Q. Given that this email was sent to Dean Hubbard and Janet
16 Horan, did you understand from this email that the business
17 school was going to in some way assist in the resolution of the
18 research dispute between Professor Ravina and Professor
19 Bekaert?

20 A. Yes.

21 MS. FISCHER: I'd like to mark EH.

22 THE COURT: Any objection to EH?

23 MS. HARWIN: No, your Honor.

24 THE COURT: All right. It will be admitted.

25 (Defendant's Exhibit EH received in evidence)

I7g1rav4

Dunn - Cross

1 Q. Mr. Dunn, is this a second email that Laura Lee sent to
2 you?

3 A. Yes, it is.

4 Q. And just going back to EG, what is the date on both of
5 these emails?

6 A. Both were sent on July 19, 2014.

7 MS. FISCHER: If we could look at the bottom email
8 from Professor Ravina.

9 Q. The fourth paragraph, "In particular, I need a resolution
10 on which papers Geert's name is on," and then it goes on from
11 there.

12 And then the bottom paragraph, "More generally, it
13 would be a great time -- it would be great to start with the
14 relationship manager."

15 Based on your reading of this email, did you
16 understand that the business school was working to resolve the
17 research dispute between Professor Ravina and Professor
18 Bekaert?

19 MS. HARWIN: Objection, your Honor.

20 THE COURT: What's the objection?

21 MS. HARWIN: It's quite leading.

22 THE COURT: All right. I'll allow it. Just watch the
23 leading going forward.

24 A. Yes, that was my understanding, that, you know, this
25 reflected the business school's efforts to resolve the research

I7glrav4

Dunn - Cross

1 question.

2 Q. Did you speak with anyone else about Professor Ravina's
3 allegations prior to beginning your investigation?

4 A. Yes.

5 Q. Who did you speak with?

6 A. I spoke with Janet Horan and Kathy Phillips, as well as
7 Melissa Rooker in my office.

8 Q. I'm sorry?

9 A. As well as Melissa Rooker in my office.

10 MS. FISCHER: Can we look at FI, please, which we
11 offer into evidence.

12 THE COURT: Any objection to FI?

13 MS. HARWIN: No objection, your Honor.

14 THE COURT: FI will be admitted.

15 (Defendant's Exhibit FI received in evidence)

16 BY MS. FISCHER:

17 Q. Mr. Dunn, Defendant's Exhibit FI, are these notes from a
18 conversation with Kathy Phillips?

19 A. Yes, they are.

20 Q. What was Kathy Phillips' role at this time?

21 A. I believe she was a fairly new vice dean at the business
22 school.

23 Q. What did Kathy Phillips tell you during your discussion
24 with her?

25 A. She spoke to me about her conversation with Professor

I7glrav4

Dunn - Cross

1 Ravina on July 16th, or -- July 16, 2014, talking about what
2 Professor Ravina had said about Professor Bekaert insisting on
3 going to dinner and how Professor Ravina's -- had discussed her
4 efforts to avoid him, that they weren't friends, and that there
5 were more emails to kind of corroborate these allegations, and
6 so in the conversation we agreed that I would be reaching out
7 to Professor Ravina in early August.

8 Q. Looking at that, there's a little arrow and it says KP?

9 A. Yes.

10 Q. What does that portion say?

11 A. "KP hadn't heard of sexual innuendo until July 16th."

12 Indicating that there weren't really concerns about sexually
13 harassing nature until that conversation on July 16th.

14 Q. I believe mentioned you also spoke with Janet Horan?

15 A. Yes.

16 MS. FISCHER: Can we please look at Defendant's
17 Exhibit FH.

18 You know, I'm sorry. That's admitted as Plaintiff's
19 55.

20 THE COURT: All right. Go ahead.

21 MS. FISCHER: So let's use Plaintiff's 55. It's the
22 same document.

23 BY MS. FISCHER:

24 Q. Are these notes that you took from your discussion with
25 Janet Horan?

I7g1rav4

Dunn - Cross

1 A. Yes, they are.

2 Q. What did Janet Horan tell you during this discussion?

3 A. She told me about a meeting that happened on July 10th with
4 Janet, Glenn Hubbard, and Professor Bekaert, where Professor
5 Bekaert talked about his relationship with Professor Ravina,
6 and Janet also told me about the July 16th meeting with Kathy
7 Phillips and Professor Ravina as well, as well as an upcoming
8 meeting that Monday with Professor Ravina and Professor
9 Goldberg.

10 MS. FISCHER: At the bottom, can we zoom in on that
11 note.

12 Q. "GB out of country till August," is that what that says?

13 A. Yes, that's correct.

14 Q. Was there any significance to the fact that Professor
15 Bekaert was out of the country?

16 A. That would just mean that in terms of the investigation, I
17 wouldn't be able to speak with him in person until he got back
18 in the country.

19 Q. Why did you speak with Vice Dean Horan and Vice Dean
20 Phillips before beginning your investigation?

21 A. Really to get a better understanding of the context of the
22 allegations that were being made and to make sure that I
23 understood what the business school was already doing to
24 address this issue between these two professors, and to make
25 sure that the efforts by EOAA would not be at cross-purposes

I7glrav4

Dunn - Cross

1 with what CBS was doing to address the situation.

2 MS. FISCHER: Can we please look at Plaintiff's 49,
3 which I believe is admitted.

4 And if we could look at page 2, please, in the middle
5 of the page.

6 Q. Mr. Dunn, do you recognize this to be an email from you --

7 A. Yes.

8 Q. -- to Katherine Phillips, I guess yourself and Laura Lee?

9 A. Yes.

10 Q. And the second paragraph of that email, "I am out of the
11 office next week, but I'll reach out to you early in the week
12 of August 4th to check in."

13 And then if we could look on page 1, the top email on
14 that page, "Hi, Kathy." This is an email from you. "Hi,
15 Kathy. Yes, thanks for the call. As we discussed, I'll reach
16 out to Enrichetta directly when I return on August 4th
17 regarding the sexual harassment concerns."

18 And after receiving the report from Laura Lee
19 somewhere around July 18th, I think, did you plan to begin the
20 investigation of Professor Ravina's concerns as soon as
21 practicable after that?

22 MS. HARWIN: Objection, your Honor.

23 THE COURT: Sustained. Why don't you rephrase that.

24 Q. Did you plan to begin your investigation of Professor
25 Ravina's concerns as soon as practicable?

I7g1rav4

Dunn - Cross

1 MS. HARWIN: Objection, your Honor.

2 Q. When did you begin -- when did you plan to begin your
3 investigation of Professor Ravina's complaint?

4 THE COURT: That's better. Thank you.

5 A. I planned to begin it as soon as I could after I returned
6 from, you know, our annual week of vacation. I don't want to
7 send an email about the investigation and then say, and by the
8 way, I'm not available for the next week so nothing's going to
9 happen. I thought it would be better to do that when I
10 returned so that we could move more quickly.

11 Q. Did you provide updates on the investigation to Melissa
12 Rooker, your boss?

13 A. Yes, I did.

14 MS. FISCHER: Could we pull up FG, please, which is
15 admitted into evidence.

16 Q. And Mr. Dunn, is this an email you sent to Ms. Rooker?

17 A. Yes, it is.

18 Q. What was the purpose of this document, of this email?

19 A. I wanted to make sure that Melissa was aware of some of the
20 pressing issues that -- that were on my desk, especially as I
21 was going to be out of the office for a week. In case anything
22 new developed or in case immediate steps needed to be taken, I
23 wanted to make sure that she had some context.

24 Q. And looking at that paragraph, which is numbered 2, the
25 second sentence, "There are many nonEOAA issues in this case."

I7glrav4

Dunn - Cross

1 What did you mean by that?

2 A. There I was referring to some of the interpersonal dynamics
3 and some of the -- some of the other research dynamics that,
4 you know, at that early date did not seem to be related to any
5 kind of sexual harassment situation. You know, already it was
6 a very complicated situation that many people at the business
7 school were -- were trying to resolve and so I wanted to kind
8 of give Melissa a sense of the complication in this issue at
9 that point.

10 Q. The sentence goes on, "The sexual harassment concern seems
11 fairly contained." What did you mean by that?

12 A. Really just that, you know, as I wrote down there, that --
13 that it seemed to be contained to sort of issues of dinner
14 invitations and some of the pressures that were kind of
15 stemming from that, at that early stage.

16 Q. What did you do next as part of your investigation?

17 A. So after I came back in the week of August 4th, I reached
18 out to Professor Ravina I believe on August 6th, in order to,
19 you know, get the ball rolling and schedule a conversation with
20 her.

21 MS. FISCHER: Could we pull up Defendant's Exhibit FS,
22 please.

23 Q. Mr. Dunn, is this your correspondence with Professor
24 Ravina?

25 A. Yes, it is.

I7g1rav4

Dunn - Cross

1 MS. FISCHER: We offer Exhibit FS into evidence.

2 MS. HARWIN: No objection.

3 THE COURT: It's admitted.

4 (Defendant's Exhibit FS received in evidence)

5 Q. And looking at page 2 of this email, on what date did you
6 contact Professor Ravina?

7 A. August 6, 2014.

8 Q. Did you interview Professor Ravina?

9 A. Yes, I did.

10 Q. When did you interview Professor Ravina?

11 A. August 12, 2014.

12 Q. Did you take notes during your interview?

13 A. Yes, I did.

14 MS. FISCHER: Can we please bring up Plaintiff's 63,
15 which is admitted.

16 Q. And Mr. Dunn, are these your notes from that interview?

17 A. Yes, they are.

18 Q. What did Professor Ravina tell you during the interview?

19 A. Well, it was a pretty wide-ranging conversation. We talked
20 about how she met Professor Bekaert, why they began working
21 together, and she told me about some of the problems they had
22 had with research assistants and how that had affected the
23 progress of the work. She spoke with me about, you know, how
24 invested she was in the work and how she felt that it was being
25 stalled because she wouldn't have dinners or coffees with

I7glrav4

Dunn - Cross

1 Professor Bekaert, and she also told me about a number of other
2 issues that were concerning to her about, you know, his gifts
3 of chocolates to her, giving her a CD, touching her hand on a
4 barstool at a restaurant, and some other issues like that.

5 Q. How did the interview end?

6 A. I believe it ended with Professor Ravina indicating that
7 she would be sending me emails to kind of illustrate the
8 dynamics between her and Professor Bekaert.

9 Q. During the interview did you give Professor Ravina the
10 opportunity to share with you whatever she wanted?

11 A. I don't remember the interview specifically, but my
12 practice then and now is to always, you know, begin with a very
13 open-ended question to say, you know, can you talk to me about
14 what's going on, and then to sort of hear whatever the person
15 wants to share, and then to end the interview by saying, is
16 there anything I didn't ask you that I should have? Is there
17 anything you want to add? And so that's always been my
18 practice, so I believe that's what I did in this case.

19 MS. FISCHER: Can we please look at page 5.

20 Q. The last note in this document, what does that say?

21 A. It just says, "E will send."

22 Q. What is that a reference to?

23 A. I believe that refers to the email correspondence between
24 Professor Ravina and Professor Bekaert.

25 Q. Did Professor Ravina say why she wanted to give you emails?

I7g1rav4

Dunn - Cross

1 MS. HARWIN: Objection.

2 THE COURT: Overruled.

3 A. I don't recall from the conversation, but I believe there
4 is email correspondence between Professor Ravina and I where
5 she, you know, discussed sending me all the emails.

6 MS. FISCHER: Can we please pull up Defendant's
7 Exhibit FV.

8 Q. Mr. Dunn, is this an email correspondence between you and
9 Professor Ravina?

10 A. Yes, it is.

11 MS. FISCHER: We offer FV into evidence.

12 THE COURT: Any objection?

13 MS. HARWIN: No objection.

14 THE COURT: FV will be admitted.

15 (Defendant's Exhibit FV received in evidence)

16 Q. Look at the bottom of page 1, please. And this appears to
17 be an email from Professor Ravina to you. Can you please read
18 the sentence beginning with, "I've put."

19 A. "I've put together some emails on the abusive and insulting
20 behavior of Geert toward me as well as some collateral evidence
21 on dinner invitations, emails asking for compliments, and
22 dating advice."

23 Q. And then the next sentence?

24 A. "I've printed them, and I'll drop them off with your
25 assistant tomorrow if it is okay for you."

I7g1rav4

Dunn - Cross

1 Q. And if we could look at page 2, please, the top of page 2,
2 which -- is this a continuation of that message?

3 A. Yes.

4 Q. And here, Professor Ravina wrote, "I would be surprised if
5 this is the only instance in which Geert displayed such
6 behavior. You might want to challenge the nature of his
7 correspondence with the female RAs, especially Nancy Ran Xu,
8 the first RA we hired who got into the program thanks to him,
9 as she looks like the most vulnerable one, and maybe MBA
10 students in his classes."

11 Do you see that?

12 A. Yes, I do.

13 Q. Based on this email, did you understand that Professor
14 Ravina identified Ms. Xu?

15 MS. HARWIN: Objection.

16 Q. Did you know of Ms. Xu, prior to reading this email, as
17 someone who might have relevant knowledge to this case?

18 A. No, I did not.

19 Q. Did Professor Ravina provide you with emails --

20 A. Yes, she did.

21 Q. -- as she said she would in this email?

22 A. Yes, she did.

23 MS. FISCHER: Can we pull up Exhibit U, please.

24 Q. Mr. Dunn, are these emails that Professor Ravina provided
25 to you?

I7glrav4

Dunn - Cross

1 A. Yes, they are.

2 MS. FISCHER: We offer Exhibit U.

3 THE COURT: Any objection to Exhibit U?

4 MS. HARWIN: Your Honor, if they plan to provide
5 questioning on documents, we would ask that they be
6 individually admitted rather than this large document
7 compilation.

8 THE COURT: Do you have any objection to the entirety
9 of the emails provided? Are they objectionable to you, even if
10 you want them individually marked for clarity?

11 MS. HARWIN: We don't have any certification that this
12 is a complete record of the emails.

13 THE COURT: Is this the complete set of emails that
14 she gave you?

15 THE WITNESS: To the best of my knowledge, yes.

16 THE COURT: And when you say to the best of your
17 knowledge, I mean, do you remember the form in which she gave
18 them to you? Did she send them email by email? Did you print
19 them out, or did she give them to you in a packet like this?

20 THE WITNESS: She gave me a printed packet like this.

21 THE COURT: Like this? Okay.

22 All right. I'm going to allow it, but when you go
23 through the emails, just be very clear on which one you're
24 talking about so that we can all keep track.

25 MS. FISCHER: Sure.

I7glrav4

Dunn - Cross

(Defendant's Exhibit U received in evidence)

BY MS. FISCHER:

Q. How many pages of emails did Professor Ravina provide to you?

A. 170.

Q. And did she drop them at your office?

A. Yes, she did.

Q. Did you read the emails that Professor Ravina provided to you?

A. Yes, I did.

Q. Looking at page -- I'm not going to go through all of them, but looking at page -- the little serial number on the bottom, the Bates number, Columbia 713, and this email is an email from Glenn Hubbard to Professor Ravina and Professor Bekaert, do you see that?

A. Yes, I do.

Q. Do you see the sentence that begins on the second line, "I have asked Steve Zeldes and Charles Jones for guidance on a project relationship manager. While we find a relationship manager for your papers going forward and pursue an agreement between you -- between you about the papers, the authorship should remain as it presently is."

Did you understand what was meant by relationship manager, project relationship manager?

A. I believe so, yes.

I7glrav4

Dunn - Cross

1 Q. Let's skip to page -- and what was your understanding?

2 A. Just that this project relationship manager would help them
3 determine the best way to proceed on the papers, to, you know,
4 divide the work and hammer out an agreement about where they
5 should go moving forward.

6 Q. Skip to page 725. If you look in the middle of the page,
7 an email from Professor Ravina to Professor Bekaert, the second
8 paragraph, "Your behavior in your emails are inexcusable, no
9 matter whether you need more or less regressions."

10 That's an email from Professor Ravina. Do you see
11 that?

12 A. Yes.

13 Q. And then the top email on that page from Professor Bekaert
14 to Professor Ravina, "We can have a nice debate on whose
15 behavior was more inexcusable, but in my case it did not start
16 with me. Mine was provoked by yours."

17 Do you see that?

18 A. Yes, I do.

19 Q. What was your impression of this email upon reading it?

20 A. I mean, I thought this exchange was pretty childish in many
21 ways and not very professional or collegial, but I also saw
22 that Professor Ravina was not, you know, deferring to Professor
23 Bekaert or kind of, you know, being cowed by him. She was
24 really going toe to toe and, you know, giving as good as she
25 got, in terms of the tone and the message of the emails.

I7glrav4

Dunn - Cross

1 Q. Look at page 748, Bates No. 748. Do you see this email?

2 And this is, the beginning of the second half of the page, from
3 Professor Ravina. Did you review this email?

4 A. Yes, I did.

5 Q. And what did you understand this email to be about?

6 A. I understood that she was letting go the research
7 assistant, the RA who had been working on one of the projects
8 with Professor Ravina and Professor Bekaert.

9 Q. If we could look at the prior page, which shows the next
10 iterations in the chain, or the next emails in the chain at the
11 bottom. Professor Bekaert wrote an email.

12 A. Yes.

13 Q. "Hi, Enrichetta. Again, please explain this decision. I'm
14 flabbergasted." Do you see that?

15 A. Yes.

16 Q. What did you understand this exchange to be about?

17 A. I understood that Professor Bekaert had not been aware that
18 the RA was going to be let go and that Professor Bekaert was
19 shocked because he had been assuming the RA would be there so
20 he could continue working on the paper.

21 Q. And then if we look at the email one above that from
22 Professor Ravina to Professor Bekaert.

23 A. Yes.

24 Q. It says, "Hi, Geert. What do you mean what happened? I've
25 asked you twice when you will have time to work on this paper

I7g1rav4

Dunn - Cross

1 and you never responded. I figured it's undetermined." And it
2 goes on from there.

3 And then let's look at the next email, which is on the
4 prior page. "Enrichetta, this has to stop. You are insane.
5 I'm committed to the project." And it goes on from there.

6 What was your understanding of this particular
7 exchange?

8 A. Based on this exchange, to me it communicated the fact that
9 Professor Bekaert did want to continue working on this and was
10 committed to doing so but that Professor Ravina had decided to
11 let the RA go when -- when Professor Bekaert wouldn't really
12 firmly commit to a short-term time frame for getting it done.
13 And then he kind of continued to talk about his working style
14 and how busy he is, which is why that -- he couldn't commit to
15 that kind of narrow time frame.

16 Q. Take a look at page 779, Bates No. 779. There's an email
17 right in the middle of the page from Professor Bekaert. It's
18 actually the one right below that, where Professor --
19 4:32 p.m., where Professor Bekaert writes, "Where did all this
20 money go? I'm going to Joe's. Need anything? Or want to join
21 so you can insult me a bit more?"

22 Are you familiar with Joe's?

23 A. Yes.

24 Q. What is Joe's?

25 A. Joe's is a coffee shop on the Columbia campus.

I7g1rav4

Dunn - Cross

1 Q. And Professor Ravina's response is just right above that.
2 In the bottom of her note, the last sentence of her note, "I
3 had to go home because a friend of mine --" it says "if mine"
4 "-- of mine who is staying with me lock herself out. I'll be
5 back later and we can go for coffee and I will insult you more
6 on Monday after Nicholas." With a little smiley face.

7 Do you see that?

8 A. Yes.

9 Q. Did you have any particular impression of this exchange?

10 A. You know, this indicated to me that, again, they were both
11 kind of seemingly in good spirits, joking about how they insult
12 each other, and this was as recently as in March of 2014. And
13 again, it seemed that they were each sort of responding in kind
14 and that, you know, Professor Ravina did not seem to be
15 deferring to Professor Bekaert or being pressured by him.

16 MS. FISCHER: Can we please take a look at 809. I
17 want to start with the last email in this chain.

18 809, on the bottom. Thank you.

19 Q. The bottom email from Professor Ravina, do you recognize
20 this as something we've seen?

21 A. Yes.

22 Q. And this particular document, which I guess begins on 803,
23 is this all one exchange?

24 A. Yes, this is one email thread.

25 Q. And is that about the RA who was fired?

I7glrav4

Dunn - Cross

1 A. Yes, it started from there.

2 Q. On the page 803, you'll see -- let's just look at the few
3 emails on that page.

4 Professor Bekaert wrote to Professor Ravina, "Yes,
5 let's meet next week. I will bring a whip." Do you see that?
6 I think you were asked about that this morning.

7 A. Yes, I see that.

8 Q. What was your impression of this email?

9 A. I did think it was an obnoxious email to send. Again, not
10 very professional. But I did not take the line about bringing
11 a whip to be related to sexual harassment or anything based on
12 gender. I took it as Professor Bekaert kind of expressing
13 being a taskmaster, bringing a whip to make sure the work
14 finally gets done, which was my read in the context of this
15 email exchange.

16 Q. What do you mean in the context of the email exchange?

17 A. Looking at the emails they had shared about, you know, who
18 was going to do what, like what the next step is on this
19 project, the emails on page 803, he asks her again, "Can you
20 confirm the tables." It seemed like he was really focused on
21 getting those tasks done, which was the context in which I read
22 that comment about bringing a whip.

23 MS. FISCHER: Can we please look at page 833. And
24 actually, the chain starts on the next page, 834.

25 Q. And here, that bottom email from Professor Bekaert to

I7glrav4

Dunn - Cross

1 Professor Ravina, first sentence, "Are we having dinner on
2 Saturday or you got other plans?" And then the last sentence,
3 "No pressure, by the way. We can always do it some other
4 time."

5 And then looking at the bottom of page 833, which
6 appears to be a response, Professor Ravina says she just got
7 back from dinner with Paola and Alex. "Ah, you guys want me to
8 be fat." You see that?

9 A. Yes.

10 Q. And the next email, Professor Bekaert says, "As I said, I'm
11 willing to postpone."

12 And then Professor Ravina's email on top, do you want
13 to just read the first two lines.

14 A. Okay. "Since salad seemed a little sad to me, I went for
15 sushi. I've left a message for reservations at Yasuda and
16 Kanoyama, and if it doesn't work, we can try Blue Ribbon or
17 Gari."

18 Q. What were your impressions of this email?

19 A. I thought that this email certainly showed a certain level
20 of friendliness between the two of them and I thought that, you
21 know, Professor Ravina mentioned four possible restaurants that
22 they could go to and that, you know, if she didn't want to go
23 to dinner with him in this instance, it would have been easy to
24 say, well, Yasuda's booked so I can't make it. But here we see
25 Yasuda and three other alternatives, which indicated to me she

I7g1rav4

Dunn - Cross

1 was happy to go to dinner in this context.

2 MS. FISCHER: Can we please look at page 843.

3 Q. And what's the date of this particular exchange?

4 A. September 27, 2013.

5 Q. Looking at the bottom email in that chain from Professor
6 Ravina to Professor Bekaert, the second paragraph says, "In the
7 meantime, I'm going to dinner with Alexander and Anthony." Do
8 you see that?

9 A. Yes.

10 Q. And then the next line, "Are you around? Do you want to
11 come? I've told them I would invite you." Do you see that?

12 A. Yes.

13 Q. And then Professor Bekaert responds, "Arrgh, my little
14 princess Emma is coming that day so I will have to go to dinner
15 with her to a distinctly less glamorous place than you have in
16 mind."

17 Did you understand from that that Professor Bekaert
18 was saying he was not able to go with Professor Ravina to
19 dinner with these other colleagues?

20 A. Yes.

21 Q. And what did Professor Ravina respond?

22 A. She said, "Oh, too bad," and then asked if he was
23 interested in another date, or if the semester was too tough.

24 Q. Did you have any particular impressions of this email?

25 A. You know, this email struck me as an instance where

I7g1rav4

Dunn - Cross

1 Professor Ravina was going to dinner with two other colleagues
2 and seemed to be going out of her way to invite Professor
3 Bekaert to join them and then -- and again, you know, created
4 an opportunity for them to reschedule if Professor Bekaert was
5 unavailable on that date.

6 Q. Did it appear to you that Professor Ravina was trying to
7 avoid Professor Bekaert?

8 A. No.

9 MS. FISCHER: Can we please look at page 845.

10 Q. And what's the date on this exchange, Mr. Dunn?

11 A. April 7, 2013.

12 Q. Looking at that bottom email from Professor Bekaert to
13 Professor Ravina, "Subject: Dinner meeting. Hi, Enrichetta,
14 if you want to go to dinner, just let me know and give me one
15 or more evenings that you can make it. And then as to work, I
16 hope to get to the various emails tomorrow."

17 Do you see that?

18 A. Yes.

19 Q. And then what is -- can you please read the first two
20 sentences in Professor Ravina's response.

21 A. "Sounds good for dinner. We can go on Tuesday, Friday, or
22 Saturday, if you are free in the weekend."

23 Q. And the next sentence, please.

24 A. "I might be free on Thursday too, but I have made half an
25 agreement and I need to ask if we are still on before doing

I7g1rav4

Dunn - Cross

1 something else."

2 Q. Did it appear to you in this exchange that Professor Ravina
3 wanted to avoid having dinner with Professor Bekaert?

4 A. No, it did not.

5 Q. And what was your impression of this email?

6 A. Again, this seemed like -- like a friendly dinner between
7 colleagues, that Professor Ravina was very, you know, willing
8 to go to dinner and was offering a bunch of different options
9 to see what might work best.

10 MS. FISCHER: Can we move now to page 857.

11 Actually, the email I'm looking at begins on the
12 bottom of page 856.

13 There we go. If we could zoom in. It's a little hard
14 to read on the screen.

15 Q. Okay. And this is an email from Professor Ravina to
16 Professor Bekaert, is that right?

17 A. Yes.

18 Q. And the subject is, "Re: Your interview with pictures."
19 What does Professor Ravina write Professor Bekaert in this
20 email?

21 A. "Are you offended? I agree it's not Vanity Fair, but you
22 are by far far far the most good looking."

23 MS. FISCHER: And if we could move up in that chain,
24 and again, I think we need to zoom in a little bit.

25 In the middle of the page there's an email from

I7glrav4

Dunn - Cross

1 Professor Ravina to Professor Bekaert, at 7:46 p.m. If we
2 could zoom in on that.

3 Q. And then what did Professor Ravina write to Professor
4 Bekaert?

5 A. "Not unfortunate looking is an Italian expression that
6 means good looking."

7 Q. I think I missed one.

8 MS. FISCHER: Right below that there's an email from
9 Professor Ravina to Professor Bekaert at 7:40 p.m. Can we pull
10 that one up.

11 Q. And what did Professor Ravina write to Professor Bekaert
12 here?

13 A. She says, "You would do much better because you are very
14 intelligent and intellectual and yet not unfortunate looking."

15 Q. And then now can we go back to the one right above that.
16 Here Professor Ravina wrote, "Not unfortunate looking is an
17 Italian expression that means good looking," right?

18 A. Yes.

19 Q. What was your impression of this exchange?

20 A. You know, obviously Professor Ravina was giving a
21 compliment to Professor Bekaert in terms of him being good
22 looking and intellectual, and I was also struck by the fact
23 that she kind of repeated and amplified the compliment a couple
24 times over in the course of the email thread.

25 MS. FISCHER: Can we please take a look at page 876.

I7g1rav4

Dunn - Cross

1 Q. And at the top of the page Professor Bekaert wrote this
2 email to Professor Ravina, and I'm looking at the second
3 paragraph. "My old hematologist writes, My covering
4 replacement is cursing --" I'm sorry. I skipped one.

5 No, I didn't. "My covering replacement is cursing my
6 name, I was told, but there's a new physician coming in January
7 who's supposed to be excellent. I give you permission to see
8 her as long as you don't take her to dinner." Professor
9 Bekaert wrote, "Do I read anything into that?"

10 And now let's look at the next email in the chain,
11 which is on the prior page.

12 Bottom email, what did Professor Ravina respond?

13 A. She wrote, "Ah, haha. I had missed this. Yes, I would
14 read, don't hit on your doctor." Smiley face.

15 Q. And what was your impression overall of Professor Ravina
16 and Professor Bekaert's communications, based not only on this
17 email but based on the emails she provided to you?

18 A. Based on these emails, it looked like they had had a very
19 friendly relationship that at times was flirtatious between
20 them.

21 Q. Did the emails match up with how Professor Ravina had
22 described her interactions with Professor Bekaert?

23 A. No, they did not.

24 Q. Can you explain what you mean by that.

25 A. After I reviewed the emails, the emails present a very

I7g1rav4

Dunn - Cross

1 different picture than what Professor Ravina had expressed to
2 me during our interview. And so once I reviewed the emails
3 which she had wanted to supply to me to kind of illustrate what
4 she had been talking about, instead what I saw was a pretty
5 flirtatious relationship between colleagues and one where
6 they -- she was, you know, spending time together and
7 communicating with each other and it just did not really align
8 with the -- with the idea of sexual harassment that we had been
9 discussing during our interview.

10 Q. Did you keep Columbia Business School administrators
11 apprised of how the investigation was going?

12 A. Yes, I did.

13 MS. FISCHER: Can we please pull up plaintiff's 64,
14 which is admitted.

15 And let's look at page 3, please.

16 Q. Vice Dean Horan wrote to you, "I'm checking in to see if
17 you had the opportunity to follow up with Professor Ravina. Do
18 you have any guidance or additional information for us?"

19 Do you see that?

20 A. Yes.

21 (Continued on next page)

I7gnrav5

Dunn - Cross

1 Q. Now let's look at the next e-mail in the chain, please.

2 This is an e-mail that you sent, right?

3 A. Yes, it is.

4 Q. Can you please read your note right there, your note to
5 Vice Dean Horan?

6 A. "Hi, Janet. I'm sorry for the delay in replying. I did
7 meet with Professor Ravina, and she sent me additional
8 information about her correspondence and interactions with
9 Professor Bekaert. After reviewing the materials, I don't see
10 a strong case for an allegation of sexual harassment in
11 violation of university policies. It is also difficult to
12 separate that issue from the problematic relationship between
13 the two parties. I think the original plan, to get Professor
14 Bekaert some training by an outside professional, would be
15 sufficient here. What do you think? Any other updates?"

16 Q. That sentence, "I don't see a strong case for an allegation
17 of sexual harassment in violation of university policies," if I
18 could focus your attention just on that for a moment.

19 Can you explain how you came to have that view?

20 A. Well, I was trying to be careful with my language, knowing
21 that we hadn't even spoken to Professor Bekaert yet, that there
22 was still a lot more investigating to do. But the fact that I
23 had spoken with Professor Ravina, and then when she gave me all
24 of these different e-mails that seemed to undermine her
25 allegations, that led to my perception at that point that I

I7gnrav5

Dunn - Cross

1 didn't see a strong case for an allegation of sexual
2 harassment, since the e-mails didn't really align with what she
3 had shared with me.

4 Q. Looking at the next sentence, "It's also difficult to
5 separate that issue from the problematic relationship between
6 the two parties."

7 What do you mean by that?

8 A. To the best of my recollection, the problematic
9 relationship I was referring to was reflected in the kind of
10 immature communications that I also saw in the e-mails, you
11 know, the bickering and kind of the unprofessional fighting and
12 arguing that they were engaging in.

13 Q. Can we please look at page 1 of this document.

14 The bottom e-mail on the bottom of page 1 from you to
15 Vice Dean Horan: Thanks, Janet.

16 One other note: Professor Ravina had mentioned a
17 student research assistant who might have witnessed or
18 experienced inappropriate behavior, so I reached out to the
19 student to see if she would be willing to speak with me.

20 Who was the student you referred to in this e-mail?

21 A. That was Nancy Xu.

22 Q. Did you interview Ms. Xu?

23 A. Yes, I did.

24 Q. Can we please look at Plaintiff's Exhibit 66, which is in
25 evidence.

I7gnrav5

Dunn - Cross

1 Mr. Dunn, are these your handwritten notes from your
2 interview of Ms. Xu?

3 A. Yes, they are.

4 Q. Why did you interview Ms. Xu?

5 A. Professor Ravina had identified Ms. Xu by name as someone
6 who might be good for me to talk to, as someone who may have
7 witnessed or experienced sexual harassment by Professor
8 Bekaert.

9 Q. And what did Ms. Xu tell you during your interview?

10 A. She spoke with me about her past interactions with both
11 Professor Bekaert and Professor Ravina.

12 She said that she had a really positive experience
13 with Professor Bekaert, she had never experienced any sexual
14 harassment, heard about it from other people, witnessed
15 anything. She said she saw him as a father figure.

16 She also spoke with me about her relationship with
17 Professor Ravina. She said that she -- they didn't like each
18 other. She said that Professor Ravina had been very insulting
19 to her, and that's what led into Nancy Xu's kind of open
20 statements about the bias she felt based on that past personal
21 history with the parties.

22 MS. HARWIN: Your Honor, we would seek a limiting
23 instruction clarifying that this is not admitted for the truth,
24 but for her report.

25 THE COURT: That is exactly right. When he's saying

I7gnrav5

Dunn - Cross

1 what someone else said to him, it is not being admitted for the
2 truth of it, but the fact that it was said to the Columbia
3 representative.

4 MS. FISCHER: Can we please look at the top of page 2.
5 BY MS. FISCHER:

6 Q. Mr. Dunn, ask you please read starting, you know, that
7 first paragraph on the top of page 2.

8 MS. HARWIN: Objection.

9 THE COURT: Overruled.

10 Is this in evidence?

11 MS. FISCHER: Yes.

12 THE COURT: Is it in evidence?

13 MS. HARWIN: It is, your Honor.

14 THE COURT: All right. So overruled.

15 A. "ER not professional as a woman, clothes, she wears
16 button-down shirts, gaps in buttons, can see bra, button
17 missing. Nancy would have put something under it. Her dress
18 not appropriate."

19 Q. Now can we look at the two lines immediately below that,
20 please.

21 A. "Nancy's opinion biased. Felt ER, Professor Ravina
22 insulted her. Nancy quit December 2012, began fall 2012."

23 THE COURT: This is what Nancy said to you?

24 THE WITNESS: Yes, that's correct.

25 MS. FISCHER: Thank you.

I7gnrav5

Dunn - Cross

1 Q. This note, "N's opinion biased," which I believe you said
2 means Nancy's opinion biased, did you understand what that was
3 in reference to?

4 Did you have any understanding what that was in
5 reference to?

6 A. Yes, I did.

7 Q. What was your understanding?

8 A. My understanding was that Nancy had kind of a personal bias
9 against Professor Ravina. After their interactions with her
10 she just thought you know very poorly of Professor Ravina on a
11 personal level.

12 Q. Can we go back to page 1, please, and the last two
13 paragraphs on that page. All right.

14 The first one, "Any SH re GB."

15 Does that mean any sexual harassment regarding Geert
16 Bekaert?

17 A. Yes, it does.

18 Q. Is that a question you asked Ms. Xu?

19 A. Yes. That was the general shorthand for the question I
20 asked.

21 Q. Why don't you tell us what the question was if you can.

22 A. The question would have been very broad about whether Nancy
23 had experienced sexual harassment or whether she had seen
24 anything or heard about anything secondhand, just anything at
25 all about Professor Bekaert sexually harassing anyone.

I7gnrav5

Dunn - Cross

1 Q. What did Ms. Xu respond?

2 A. She said no.

3 Q. Now let's look at the next paragraph, "SH GB to ER."

4 What does that shorthand mean?

5 A. That was asking Nancy specifically about any sexually
6 harassing behaviors that Professor Bekaert directed towards
7 Professor Ravina.

8 Q. What did Ms. Xu respond?

9 A. She said no.

10 Q. How did your interview with Ms. Xu impact your analysis, if
11 it did?

12 A. It was -- it didn't really change the analysis too much
13 from where things stood after speaking with Professor Ravina
14 and reviewing the e-mails, in that Nancy did not corroborate
15 any allegations of sexual harassment, or, you know, raise new
16 concerns about sexually harassing behavior by Professor
17 Bekaert.

18 Q. You saw that notation "N's opinion biased." What did you
19 make of that?

20 A. I took that as, as an example of Nancy's self-awareness
21 frankly. You know, the fact that she sort of shared this
22 information with me, and that, you know, she had her own
23 personal experiences which she spoke with me about. And so I
24 did not, I did not completely discount Nancy's opinion because
25 of that statement that I -- it was good, you know, good to be

I7gnrav5

Dunn - Cross

1 aware of.

2 MS. FISCHER: Can we please pull up Plaintiff's
3 Exhibit 75 which is admitted.

4 BY MS. FISCHER:

5 Q. Mr. Dunn, is this an exchange between you and Janet Horan?

6 A. Yes, it is.

7 Q. What is the date on this, please.

8 A. September 15, 2014.

9 Q. Let's look at the second page, which is a continuation of
10 an e-mail from you I believe.

11 The first bullet -- "Following up on our conversations
12 here are some bullet points in preparation for your meeting
13 tomorrow.

14 "I am looking into the sexual harassment allegations
15 and have spoken with Enrichetta and others. I will be speaking
16 with Geert later this week."

17 Then it goes on several more bullets.

18 The next bullet: "As things stand now, I am not sure
19 I see a violation of EOAA policies, but I need to speak with
20 Geert and conclude the investigative process before making any
21 final determinations."

22 We previously saw an e-mail with similar language.

23 Here, when you wrote you didn't see a violation of
24 EOAA policies, why did you write that?

25 A. That was to give Janet an update on the status of the

I7gnrav5

Dunn - Cross

1 investigation and where things stood and to give her
2 appropriate context in preparation for the meeting that she had
3 the next day.

4 Q. The next bullet, "I agree that extra sexual harassment
5 training would be appropriate since EOAA received other
6 concerns about Geert earlier this year."

7 Again, is this -- the reference to other concerns
8 about Geert earlier this year, what is that a reference to?

9 A. That was a reference to the student complaint that, that
10 the university had received earlier in 2014 that we touched on
11 a bit this morning.

12 Q. Let a look at page 1 of this e-mail, Vice Dean Horan's
13 e-mail to you that begins in the middle of the page, saying, "I
14 would not share the third and fourth bullets, but would like to
15 share a portion of bullet 1 and 2. Can we share the
16 following."

17 And then she notes that you've completed one more --
18 that you have one more interview to complete, but as things
19 stand now you are not sure you see a violation of EOAA
20 policies.

21 While we await the conclusion of this investigation,
22 we will remove the dean from the oversight role where he is
23 copied on all e-mails and will appoint a senior faculty member
24 to that role.

25 Did you understand that to be the relationship

I7gnrav5

Dunn - Cross

1 manager?

2 A. Yes.

3 Q. So did you understand that to be an ongoing issue?

4 A. Yes.

5 Q. The next paragraph, "OK with you if we decide to -- if we
6 address the unproductive and unprofessional tone of their
7 communication."

8 And then let's look at your response: "That sounds
9 good to me,. It's fine if you want to mention unproductive and
10 unprofessional tone of the communications. That would not
11 really fall under my purview."

12 What did you mean by that?

13 A. Under the EOAA policies, we are only investigating and
14 looking at issues of discrimination and harassment, and here we
15 saw communications that were unprofessional, not civil,
16 childish at times. And that's beyond the scope of our office's
17 limited focus, but it's certainly something that merits
18 intervention, and I was happy to see that the business school
19 was implementing some remedies to address that.

20 Q. And the next paragraph begins, "Thanks, Janet. And again
21 I'm sorry I haven't been able to wrap this up more quickly. I
22 know it's been a real burden for you and your colleagues."

23 What did you mean by that last sentence?

24 A. I don't recall writing that sentence, but as I look back
25 now, you know, I think I was talking about the difficulty of

I7gnrav5

Dunn - Cross

1 the case, but also just the length of time it was taking to
2 conclude the investigative process, you know, given the
3 materials that we had to review, the folks we had to talk to.
4 I knew that sort of all this time without having a clear
5 conclusion from EOAA left things very open and was burdensome
6 for the folks involved obviously and also the business school
7 administration.

8 MS. FISCHER: Can we please pull up Plaintiff's
9 Exhibit 76, which is in evidence.

10 BY MS. FISCHER:

11 Q. And what is this document, Mr. Dunn?

12 A. These are notes from a conversation I had with Janet Horan
13 on September 16, 2014.

14 Q. What did you discuss with Vice Dean Horan on September 16,
15 2014?

16 A. We discussed a number of topics related to this matter.
17 One of the main ones was this whole notion of whether or not
18 Professor Bekaert was Professor Ravina's mentor or whether he
19 had held himself out as such.

20 We also talked about an upcoming meeting that Glenn
21 Hubbard and Kathy Phillips were going to have with Professor
22 Bekaert in a few days, and we talked about the general status
23 of the case and the next steps to be taken.

24 Q. Can we please focus on the middle note that begins,
25 "Glenn."

I7gnrav5

Dunn - Cross

1 It says, "Glenn, Kath meet with GB on Monday."

2 And then the last bullet there, "GB to recuse himself
3 from three papers. He can't hold this up anymore."

4 Do you see that?

5 A. Yes, I do.

6 Q. Now, let's go back --

7 MS. HARWIN: Your Honor, I would just ask that when
8 e-mails be read that they be read accurately.

9 MS. FISCHER: Sure. I didn't mean to misread it. I'm
10 happy for the witness to reread it.

11 THE COURT: All right.

12 MS. FISCHER: It was not on purpose.

13 BY MS. FISCHER:

14 Q. Mr. Dunn, can you please read this portion of your notes?

15 A. "Glenn Kath meet with GB on Monday, perhaps nine to nine
16 thirty. Relationship manager everything done oral, no sniping.
17 GB to recuse himself from three papers. He can't hold this
18 work up anymore."

19 Q. Now let's look at the very next line.

20 A. "What to do, still a senior tenured faculty member."

21 Q. Was this something that Vice Dean Horan related to you?

22 A. Yes. I believe I was taking notes of what she was sharing
23 during the conversation, her statements.

24 Q. And do you have any understanding of what she meant by
25 this?

I7gnrav5

Dunn - Cross

1 A. At this date, I -- I really don't.

2 MS. FISCHER: Can we please show the witness
3 Defendants' GT.

4 THE COURT: Any objection?

5 MS. HARWIN: No, your Honor.

6 THE COURT: GT will be admitted.

7 (Defendants' Exhibit GT received in evidence)

8 BY MS. FISCHER:

9 Q. Looking at the e-mail that begins on the bottom of page 4,
10 is this an e-mail you sent to Professor Bekaert?

11 A. Yes, it is.

12 Q. Were you asking him to meet with you?

13 A. Yes.

14 Q. And what did Professor Bekaert respond?

15 A. He was traveling, but he could meet in the -- a few -- week
16 and a half later.

17 Q. And was a meeting scheduled?

18 A. Yes.

19 Q. Did you prepare for your interview of Professor Bekaert?

20 A. Yes, I did.

21 Q. How did you prepare?

22 A. I believe I made a bulleted list of topics and issues that
23 had been raised by Professor Ravina that I wanted to be sure to
24 cover during my conversation with Professor Bekaert.

25 MS. FISCHER: Can we please pull up Defendants'

I7gnrav5

Dunn - Cross

1 Exhibit GP?

2 We offer GP.

3 THE COURT: Any objection?

4 MS. HARWIN: No, your Honor.

5 THE COURT: All right.

6 GP will be admitted.

7 (Defendants' Exhibit GP received in evidence)

8 BY MS. FISCHER:

9 Q. Mr. Dunn, is this the list that you just alluded to?

10 A. Yes, it is.

11 Q. And I believe you said you interviewed Professor Bekaert,
12 right?

13 A. Yes.

14 MS. FISCHER: Can we please take a look at Plaintiff's
15 Exhibit 77, which is admitted.

16 BY MS. FISCHER:

17 Q. Are these your notes from your interview of Professor
18 Bekaert?

19 A. Yes, they are.

20 Q. And what date did you interview Professor Bekaert?

21 A. September 19, 2014.

22 Q. What did Professor Bekaert tell you during your interview?

23 A. He spoke with me about how he had begun working with
24 Professor Ravina, why they were working together on these
25 different research projects, he spoke with me about the nature

I7gnrav5

Dunn - Cross

1 of their relationship, which he described as a friendship, you
2 know, social relationship, and he also responded to the
3 specific allegations that Professor Ravina had raised.

4 Q. Looking at --

5 MS. FISCHER: Can we go to page 2, please, actually
6 page 3.

7 BY MS. FISCHER:

8 Q. Do you see there's little numbers in the margin it appears
9 to be?

10 A. Yes.

11 Q. Are those a reference to your -- the notes that you took,
12 your preparation in preparation for the interview?

13 A. Yes, they are.

14 Q. How did Professor Bekaert describe his working relationship
15 with Professor Ravina?

16 A. In very general terms he said that they had a friendly
17 social relationship. He suggested that, that she may have --
18 if I recall correctly, been a little more flirtatious towards
19 him, but he described, you know, what had been until recently a
20 positive working relationship.

21 MS. FISCHER: Can we please skip to page 7.

22 BY MS. FISCHER:

23 Q. In the middle of the page it says -- why don't you read it
24 to us, Mr. Dunn. It looks like it says they were friends.

25 What does that say?

I7gnrav5

Dunn - Cross

1 A. "They were friends, everything could have been resolved
2 over coffee. We need an RA, etc."

3 MS. FISCHER: Can we go back to Defendant's Exhibit
4 GT, please.

5 BY MS. FISCHER:

6 Q. On the bottom of page 2, there is an e-mail from Professor
7 Bekaert to you.

8 "Dear Michael, thanks for the meeting on Friday. The
9 topic came as I total shock to me, and I wonder if I can set up
10 another meeting now that I had some time to reflect. I also
11 have some information that might be relevant."

12 When was your first meeting with Professor Bekaert?

13 A. September 19, 2014.

14 Q. So this is three days later?

15 A. Yes.

16 Q. And was a second meeting arranged?

17 A. Yes, it was.

18 MS. FISCHER: Can we please pull up Defendants'
19 Exhibit HA.

20 BY MS. FISCHER:

21 Q. Mr. Dunn, are these your notes from your second meeting
22 with Professor Bekaert?

23 A. Yes, they are.

24 MS. FISCHER: We offer HA.

25 MS. HARWIN: No objection.

I7gnrav5

Dunn - Cross

1 THE COURT: HA will be admitted.

2 (Defendants' Exhibit HA received in evidence)

3 BY MS. FISCHER:

4 Q. Do these notes reflect things that Professor Bekaert told
5 you during that meeting?

6 A. Yes, they do.

7 Q. What did Professor Bekaert tell you during your second
8 meeting with him?

9 A. So, we covered a lot of different topic areas. At this
10 meeting, he sort of talked more about his relationship with
11 Professor Ravina, you know, who would make the dinner
12 invitations, the kind of friendship they had and from his
13 perspective.

14 I believe at this point Professor Bekaert also
15 referenced different e-mail correspondence that the two of them
16 had had to kind of illustrate their relationship, and then he
17 also addressed the whole question of whether he was delaying
18 her papers or her work.

19 And he also talked about how he felt hounded and
20 harassed in this situation.

21 Q. After the meeting did Professor Bekaert provide you with
22 e-mail correspondence he had exchanged with Professor Ravina?

23 A. Yes, I believe he did.

24 MS. FISCHER: Can we please look at GY, Defendants'
25 GY. It's already in evidence.

I7gnrav5

Dunn - Cross

1 BY MS. FISCHER:

2 Q. Looking at that top e-mail, Mr. Dunn, is this an e-mail
3 that Professor Bekaert sent to you?

4 A. Yes, it is.

5 Q. Can you read the first paragraph, please.

6 A. "Here is a recent e-mail of hers. I am asking for better
7 quality inputs so one of the papers can be finalized.

8 Enrichetta's e-mail is a long-winded way of saying that she
9 will not do it, in the process recounting and misinterpreting a
10 negative comment the discussant may have made about one of my
11 papers."

12 Q. And the next sentence.

13 A. "Unfortunately I will send some more."

14 Q. Did Professor Bekaert show you any more of his e-mails with
15 Professor Ravina?

16 A. Yes, he did.

17 MS. FISCHER: Can we pull up Defendants' Exhibit V.

18 Q. Are these the e-mails that Professor Bekaert gave to you?

19 A. Yes, they are.

20 MS. FISCHER: We offer Exhibit V into evidence.

21 THE COURT: Again, this is the form in which he gave
22 them to you, like in one stack?

23 THE WITNESS: I don't recall the form Professor
24 Bekaert's e-mails came from.

25 THE COURT: On a few of these there's underlining or

I7gnrav5

Dunn - Cross

1 an X on the side. Is that something he did or you did?

2 THE WITNESS: Yeah, I'm sorry. To clarify, he
3 underlined and made the Xs and the notes.

4 THE COURT: But these are the e-mails that he gave
5 you, is that right?

6 THE WITNESS: Yes.

7 THE COURT: Any objection to V?

8 MS. HARWIN: Your Honor, we would ask that these be
9 produced in redacted format in light of the markings.

10 MS. FISCHER: I didn't hear what she just said.

11 THE COURT: She wants them in redacted form. I am
12 going to overrule that in light of the representation that was
13 made that these were given by Professor Bekaert in this form.

14 This is what Columbia received and the form it
15 received it, so I am going to admit V.

16 (Defendants' Exhibit V received in evidence)

17 MS. FISCHER: Your Honor, I am happy to continue, but
18 I am going to be on this for a little bit.

19 THE COURT: Can everyone hang in for about 15 minutes
20 more? Why don't we go about 15 minutes more until 3:15, and
21 then we will take our afternoon break.

22 MS. FISCHER: That's fine.

23 BY MS. FISCHER:

24 Q. How many pages of e-mails did Professor Bekaert give to
25 you?

I7gnrav5

Dunn - Cross

1 A. About 60 pages.

2 Q. And, again, I am not going to go through every page, but
3 let's look at page 946, using the Bates numbers.

4 The second e-mail from the top, Professor -- an e-mail
5 from Professor Ravina to Professor Bekaert: "Hi, Geert. How
6 are you? Are you around tomorrow? Do you want to go for
7 coffee and discuss the details of asset allocations of 401(k)
8 plan participants project" -- of the asset allocations.

9 Do you see that?

10 A. Yes.

11 Q. Let's look at page 950.

12 Can you read the last sentence on that page which
13 appears to be signed "Enrichetta" at the bottom?

14 A. "You were like an elephant in the China shop of feelings.
15 It's almost funny."

16 Q. Let's take a look at page 955, please -- actually the
17 e-mail begins on the bottom of 954.

18 Is this an e-mail from Professor Bekaert to Professor
19 Ravina that was provided to you?

20 A. Yes.

21 Q. Can you read the first two sentences --

22 MS. FISCHER: Can we go back. I think we skipped a
23 sentence -- the first two sentences of that e-mail. Yeah.

24 A. Eat a praline before reading this e-mail. You do not
25 understand anything apparently.

I7gnrav5

Dunn - Cross

1 Q. And now let's --

2 THE COURT: Excuse me, if I can. So in some places
3 there are dates and what look like descriptions of an e-mail to
4 come.

5 Do you know what I'm referring to?

6 THE WITNESS: Yes.

7 THE COURT: In various places?

8 THE WITNESS: Yes.

9 THE COURT: So is it your understanding that Professor
10 Bekaert wrote that?

11 THE WITNESS: Yes.

12 If I recall, I believe Professor Bekaert sent me a
13 Word document or something similar in which these e-mails had
14 be pasted, and then he also added some of his own notes and
15 headers --

16 THE COURT: OK.

17 THE WITNESS: -- discussing the content of the
18 e-mails.

19 THE COURT: All right.

20 Again, ladies and gentlemen, this is an instance where
21 that is not being admitted for the truth of what's said but
22 rather the fact that that's what was said and what was produced
23 to Columbia.

24 Please proceed. Thank you.

25 MS. FISCHER: Thank you.

I7gnrav5

Dunn - Cross

1 Let's look on page 954. 954, please.

2 And it is next to that X.

3 BY MS. FISCHER:

4 Q. Can you please read the first two lines of the e-mail.

5 A. "I like the blunt Belgian version, so I hope you will
6 appreciate my reply. Smiley face. With all due respect, you
7 don't understand anything."

8 Q. And I understand this may have been pasted into a document,
9 but who does it appear this e-mail is from?

10 A. It appears to be from Professor Ravina.

11 Q. Let's go to page 960, please, the bottom of page 960. It
12 appears to be an e-mail from Professor Bekaert to Professor
13 Ravina.

14 It says, "I'm here but will leave in the early
15 afternoon to go to work in Midtown. Lunch perhaps?"

16 And then let's look at Professor Ravina's response.

17 "Sounds good, I went to yoga at 6:30 so anytime you
18 are hungry just stop by. E."

19 Do you see that?

20 A. Yes.

21 Q. Looking at 961 -- I guess it starts on the bottom of 960,
22 so you can leave it right there the very last e-mail on that
23 page.

24 Does that appear to be an e-mail from Professor Ravina
25 to Professor Bekaert?

I7gnrav5

Dunn - Cross

1 A. Yes.

2 Q. And it looks like they're setting up a time, it's not clear
3 for what.

4 A. Yes.

5 MS. HARWIN: Objection.

6 MS. FISCHER: I will withdraw and I will move on.

7 THE COURT: OK.

8 BY MS. FISCHER:

9 Q. Let's look back on page 961. Under the heading October
10 2010 -- and I understand this may not have been your heading,
11 Mr. Dunn -- does there appear to be an e-mail from Professor
12 Ravina to Professor Bekaert?

13 A. Yes.

14 Q. And what is the last sentence of that e-mail?

15 A. "I'll look for you for coffee."

16 Q. Let's move on to page 962.

17 The e-mail beginning in the middle of the page from
18 Professor Ravina to Professor Bekaert, do you see that?

19 A. Yes.

20 Q. Can you please read the PS.

21 A. "P.S. Don't forget the chocolate, smiley face, beer is not
22 needed, the Barolo is better."

23 Q. Just to be clear, I know you have been asked this, but
24 these markings on the page, was this document given to you with
25 these markings?

I7gnrav5

Dunn - Cross

1 A. Yes, it was.

2 MS. FISCHER: Let's look at page 963.

3 Q. The bottom of page 963, there is a note here -- e-mail from
4 Professor Bekaert, it appears to be to Professor Ravina. Can
5 you please read the sentence beginning with "actually."

6 A. "Actually, I still got to take you to an Italian restaurant
7 in my neighborhood. The owner is from Turin.

8 Q. And what was Professor Ravina's response?

9 A. The relevant part, in red, "Sounds good for the restaurant,
10 I'm from Torino. What's the name of the place?"

11 MS. FISCHER: Let's move on to page 968.

12 Q. In the middle of that page there is an e-mail that says
13 September 25, 2012, 10:11 p.m. from Professor Bekaert.

14 Can you just read the first line.

15 A. "Yes. I am feeling totally out of my depth with the tasks
16 you are giving me."

17 Q. Now can we look up at Professor Ravina's response to that
18 e-mail. Can you just read the first line.

19 A. It says, "No. You are super good."

20 MS. FISCHER: Skip to page 971, please.

21 Q. The middle of the page it's an e-mail from Professor
22 Ravina.

23 Can you please just read the portion that begins

24 "P.S."

25 A. "P.S. Sorry for telling you that you cannot talk to me

I7gnrav5

Dunn - Cross

1 yesterday. It was overreaction to M. Of course, you can stop
2 by my office anytime because we are working together and we are
3 actually discussing research. Smiley face."

4 MS. FISCHER: Let's move on to page 977.

5 Q. The bottom of page 977, an e-mail from Professor Ravina to
6 Professor Bekaert. Do you see that, Mr. Dunn?

7 A. Yes.

8 Q. Can you just read that e-mail to us.

9 A. "I'm going for coffee to Joe. Do you want anything?"

10 Q. What was Professor Bekaert's response?

11 A. Sorry, I was at the doctor's. Will go for coffee really
12 late and behind. Geert."

13 Q. And what did Professor Ravina respond to that.

14 A. "I am at the doctor's, too. I will be back at 5 and will
15 try not to go for more coffee, but if I break down, I'm e-mail
16 you and decide if you want to get one for you as well. Smiley
17 face."

18 MS. FISCHER: Let's go to page 978.

19 Q. The e-mail in the middle of the page from Professor Ravina
20 to Professor Bekaert. Can you please just read the section
21 P.S. that's at the bottom of that e-mail.

22 A. "P.S. I've just watched a movie with Owen Wilson on the
23 plane to Santa Barbara, a super beautiful place, and I think he
24 is really hot. Smiley face."

25 Q. Let's look at the next page, 979.

I7gnrav5

Dunn - Cross

1 In the middle of the page there is e-mail from
2 Professor Ravina to Professor Bekaert.

3 Do you see that?

4 A. Yes.

5 Q. And underneath you see it says -- there is a note there and
6 then it says "Enrichetta."

7 A. Yes.

8 Q. Can you just read the next line, please.

9 A. BTW I've ordered Belgian chocolate on Amazon. I close my
10 eyes and dream about it. I might be addicted."

11 MS. FISCHER: Let's go to the next page, 980.

12 Q. The e-mail on the bottom of 980 is an e-mail from Professor
13 Ravina to Professor Bekaert. And, by the way, what's the date
14 on this communication?

15 A. January 24, 2013.

16 Q. And what did professor Ravina write here?

17 A. "BTW, thank you very much for listening to me yesterday. I
18 really appreciate it."

19 Q. Now let's look at Professor Bekaert's response, the next
20 e-mail. We are just going to look at the first paragraph.
21 "Hi, Enrichetta don't mention it. If you need to talk, let me
22 know. I hope your mom recovers."

23 And then now let's look at the top e-mail in that
24 chain and the top of this page.

25 "Geert, thank you very much. I'm really sorry about

I7gnrav5

Dunn - Cross

1 your parents. That must have been very tough."

2 And then the next paragraph, "My mom woke up a little
3 bit today, moved eyes, hand, and mouth but did not say
4 anything. And it's signed from Professor Ravina."

5 Is that right?

6 A. Yes, that's correct.

7 MS. FISCHER: Let's look at page 981.

8 The e-mail -- the first e-mail on that page appears to
9 be -- I'm sorry, on the top of that page. Yes, that's the one.

10 It appears to be an e-mail from Professor Ravina.

11 BY MS. FISCHER:

12 Q. Can you just read the last paragraph, beginning with "thank
13 you."

14 A. "Thank you for your offer to talk with me. It is very nice
15 of you, but you seem busy enough. Tomorrow morning is your
16 Saturday night, and then I leave."

17 MS. FISCHER: Let's take a look at the bottom of page
18 982 and the top of 983.

19 Q. Does that appear to be an e-mail from Professor Bekaert to
20 Professor Ravina?

21 A. Yes.

22 Q. Can you just read the last paragraph.

23 A. "Hang in there. Sending you positive thoughts. But please
24 do not bottle it all up. Talking helps. You can get sick if
25 you bottle it up. Trust me. I know."

I7gnrav5

Dunn - Cross

1 MS. FISCHER: Let's go on to page 984.

2 A. Can I just say one thing about that?

3 Q. Please.

4 A. You know, I thought that that whole exchange, you know,
5 reflected two people who you, you know, cared about each other
6 on some level and were trying to be supportive to each other.

7 When I wrote the outcome, I didn't talk about that
8 piece in particular because I wanted to give them both the
9 dignity of, you know, grieving and mourning the people they
10 love in private. And so, you know, I'm sorry that we have to
11 kind of revisit this in this context. That can't be easy.

12 I just want to say that.

13 Q. Thank you. Well, why don't we pause here for a minute.
14 Looking at the various e-mails that we've looked at so far, did
15 you have any particular impressions after reading these
16 documents?

17 A. Again, you know, I thought that these e-mails highlighted
18 the friendly and social relationship that these two people had,
19 and I thought there were a number of comments that, that seemed
20 to be somewhat flirtatious, whether, you know, talking about
21 how hot Owen Wilson is or, you know, talking about dreaming of
22 Belgian chocolates or different things. It just showed
23 different levels of their relationship.

24 MS. FISCHER: If we can look at page 984, please, the
25 e-mail on the top of the page from Professor Bekaert to

I7gnrav5

Dunn - Cross

1 Professor Ravina.

2 BY MS. FISCHER:

3 Q. Can you just read the second paragraph.

4 A. "On something entirely different: Is your vitae on the web
5 current? What is the status of your habit and beauty papers?
6 As I told you before, you really got to get these published."

7 MS. FISCHER: And now let's look at the next page,
8 985.

9 Q. The middle of that page, there is an e-mail from Professor
10 Bekaert, it's actually underlined. And, again, these are not
11 your underlines, right, Mr. Dunn?

12 A. That's correct.

13 Q. What's underlined here?

14 A. "Yeah, but the biggest gain per unit of time is for you to
15 get your two single-authored papers published in a top journal
16 or at least one. I keep telling you, but you do not seem to
17 listen."

18 Q. What is the date on this?

19 A. April 13, 2013.

20 Q. What was your impression of these last couple of
21 communications we just looked at?

22 A. I thought that Professor Bekaert was looking out for
23 Professor Ravina's professional advancement. He was trying to
24 encourage her and direct her to really make sure that she
25 advanced along the tenure track and got those papers published

I7gnrav5

Dunn - Cross

1 even when he wasn't directly involved with them.

2 MS. FISCHER: I would like to look -- stay on these
3 two pages for just a moment.

4 BY MS. FISCHER:

5 Q. At the bottom of page 984 and the top of 985 is an e-mail
6 from Professor Bekaert to Professor Ravina.

7 Do you want to just read that e-mail?

8 A. "Barrage of e-mail. Will see if I got time left to call or
9 meet. You may need to swallow your disgust and come to the
10 Upper West Side.

11 Q. Now let's look at Professor Ravina's response. Can you
12 please read that e-mail.

13 A. "Of course, I will come to the Upper West Side. It is out
14 of the question. Lucerne office or other place you like/it's
15 convenient. If it would be very rude to go anywhere else given
16 the time constraints. Plus, you are always very nice and let
17 me pick, and I do like the Upper West Side. I just like to go
18 to new places, but there is no time.

19 "I also don't have any time constraints either so
20 anytime today or tomorrow works.

21 "Thank you, I really appreciate it."

22 MS. FISCHER: Let's take a look at 986, and we're
23 almost done with this.

24 Q. On the bottom of the page it appears that there is an
25 e-mail from Professor Bekaert, 1:39 p.m.

I7gnrav5

Dunn - Cross

1 What's the date on that, Mr. Dunn?

2 A. June 23, 2013.

3 Q. Can you just read that first paragraph, beginning "BTW."

4 A. "BTW, should we still meet somehow also about the mentoring
5 thing. Need to know where you stand. It is going to be tough,
6 though. Maybe we can have a brief talk on the phone."

7 Q. What was Professor Ravina's response?

8 A. "You don't want to be my mentor anymore?"

9 Q. Let's look at the next e-mail. What did Professor Bekaert
10 respond?

11 A. "Sorry. It would be tough to meet right now given, my
12 schedule, but hey maybe you tell me. Should I be your mentor?
13 You never listen to me anyway."

14 MS. FISCHER: Now let's look at just that top e-mail
15 on the page.

16 Q. If you can just read the second paragraph?

17 A. "I would love for you to be my mentor, of course only if
18 you want to."

19 MS. FISCHER: And we will look at just one more e-mail
20 in this packet. If you can go to page 9 -- the bottom of page
21 990 and the top of 991.

22 BY MS. FISCHER:

23 Q. Is this an e-mail from Professor Bekaert to Professor
24 Ravina that was provided to you? I'm sorry. We are not on the
25 right page yet. Here we go. Starting on the bottom of 990,

I7gnrav5

Dunn - Cross

1 the very last --

2 A. Yes.

3 Q. -- e-mail on the page. There you go.

4 A. Yes, this e-mail was provided to me.

5 Q. All right. And can you just read the note that begins
6 "BTW."

7 A. "BTW, real quick, habits is still R and R at RFS. Beauty R
8 and R at JF, but neither has gone into the second round.

9 "What is the status of the paper with Parvisini?"

10 Q. And then just the next paragraph there.

11 A. "Are there any other active working papers, papers
12 submitted? Your CV/website are very unclear about the status
13 of your research."

14 Q. Looking at this exhibit and -- did reviewing these e-mails
15 change your impression of this case?

16 A. Yes.

17 Q. How? In what way?

18 A. As I said before, you know, it showed some different kind
19 of flirtatious interactions between the two of them. And I
20 think that this also clarified some of the mentoring question,
21 you know, whether or not Professor Bekaert was a formal mentor
22 as assigned by the division or the business school. It seemed
23 to be a very kind of mutual mentoring relationship in which
24 Professor Ravina kind of appreciated him in that role and he
25 was willing to be a mentor to her whether or not there was an

I7gnrav5

Dunn - Cross

1 official status attached to it.

2 And in that mentoring role he was trying to support
3 and encourage her, based on my reading of the e-mails, to work
4 on a number of papers and research projects beyond the ones
5 that they were working on together.

6 MS. FISCHER: Is now a good time?

7 THE COURT: Are you done or do you have a little bit
8 more.

9 MS. FISCHER: No, I have more. I am a happy to go on.

10 THE COURT: Why don't you go for a few more minutes,
11 because we are going to go to 5:30 today.

12 MS. FISCHER: No problem.

13 THE COURT: I just want to take the break in the
14 middle.

15 MS. FISCHER: OK.

16 Why don't -- can we -- can we pull up Plaintiff's
17 Exhibit 80, which is not in evidence, and I believe it's been
18 redacted.

19 BY MS. FISCHER:

20 Q. Mr. Dunn, can you identify Plaintiff's Exhibit 80?

21 A. Those --

22 Q. Are these your notes?

23 A. Yes, these are my notes from a conversation that I had with
24 Janet Horan on September 24, 2014.

25 MS. FISCHER: We offer Exhibit Plaintiff's Exhibit 80.

I7gnrav5

Dunn - Cross

1 MS. HARWIN: No objection.

2 THE COURT: It will be admitted.

3 (Plaintiff's Exhibit 80 received in evidence)

4 BY MS. FISCHER:

5 Q. Before we get there, I want to turn back for just a second,
6 and we don't have to look at the documents again, but those
7 e-mails we just reviewed, I believe Exhibits U and V.

8 Did your review of those e-mails impact your opinion
9 as to whether Professor Bekaert was delaying his work with
10 Professor Ravina?

11 A. Yes.

12 Q. In what way?

13 A. After reviewing those e-mails, there were numerous
14 exchanges between Professor Bekaert and Professor Ravina about
15 the status of the work and why it was or was not advancing.
16 And from those e-mails I could see that there had been issues
17 in which Professor Ravina fired the research assistant who had
18 been supporting the work, Professor Bekaert hadn't been aware
19 of that, and that led to a very contentious dialogue between
20 them in terms of, you know, hire the RA back or who would do
21 the regressions in order to keep the work moving forward.

22 In addition, there was an episode where Professor
23 Ravina rescheduled a meeting with the research assistant but
24 hadn't told Professor Bekaert about it because she didn't know
25 for sure if he was coming.

I7gnrav5

Dunn - Cross

1 There were just instances like that that presented a
2 very plausible narrative of why things were delayed in a way
3 that had nothing to do with any kind of sexual harassment or
4 any kind of gender-based harassment.

5 MS. FISCHER: Let's pull up -- thank you. Let's pull
6 up Plaintiff's Exhibit 80 again, please. And can we just zoom
7 in on the bottom paragraph that says "Professor Bekaert."

8 BY MS. FISCHER:

9 Q. Do these notes reflect a discussion you had with Vice Dean
10 Horan?

11 A. Yes, they do.

12 Q. And what was discussed?

13 A. We talked about a meeting that took place on the previous
14 Monday morning with Janet Horan, the dean of the business
15 school, Kathy Phillips, and Professor Bekaert.

16 He expressed annoyance that this was still going on,
17 denied that there was any sexual harassment happening.

18 And it looked like Dean Hubbard had talked about the
19 power issue there and the appearance that he, Professor
20 Bekaert, was preventing Professor Ravina from getting her
21 papers done.

22 And then it also discussed Daniel Wolfenzon as the new
23 relationship manager, and they talked about a proposed new
24 schedule from Professor Ravina to finish up the papers.

25 MS. FISCHER: Let's look at the next page. I believe

I7gnrav5

Dunn - Cross

1 this continues just zooming in on the top. Thank you.

2 BY MS. FISCHER:

3 Q. What else was said?

4 A. Professor Hubbard -- Dean Hubbard said that they were both
5 acting unprofessionally, and then they were working on setting
6 up an additional follow-up meeting to continue to address the
7 situation. And my next step from this conversation with Janet
8 was that I was going to be meeting with Professor Bekaert later
9 that day.

10 MS. FISCHER: Could you please show Mr. Dunn
11 Defendants' Exhibit HU.

12 Q. Is this an e-mail correspondence between you and Andrew
13 Ang, Mr. Dunn?

14 A. Yes, it is.

15 Q. What is the date on this communication?

16 A. October 21, 2014.

17 Q. Who is Andrew --

18 MS. FISCHER: We offer Defendants' Exhibit HU into
19 evidence?

20 THE COURT: Any objection?

21 MS. HARWIN: No objection.

22 THE COURT: HU will be admitted.

23 (Defendants' Exhibit HU received in evidence)

24 BY MS. FISCHER:

25 Q. Who was Andrew Ang?

I7gnrav5

Dunn - Cross

1 A. Professor Ang was the department chair of Professor Ravina
2 and Professor Bekaert's department.

3 Q. Why did you contact Professor Ang?

4 A. I contacted him to find out more about how mentoring worked
5 among senior and junior faculty in their division. I was
6 trying to corroborate what the parties had told me about
7 whether or not Professor Bekaert was a formal mentor in the
8 division's eyes to professor Ravina.

9 Q. And what did Professor Ang respond to you?

10 A. He said that there were no specific assignments made of
11 mentors, but that all senior faculty members were generally
12 expected to serve as mentors to the junior faculty members.

13 Q. How did this exchange impact your investigation, if it did?

14 A. Well, I believe that Professor Bekaert had told me that he
15 was Professor Ravina's formal or official mentor, so this
16 information, you know, affected his credibility on that point.

17 But, otherwise, even beyond what Professor Ang told
18 me, the e-mails that we had just looked at showed that
19 Professor Ravina and Professor Bekaert had a kind of voluntary,
20 mutually agreed upon mentoring relationship that was
21 independent of any formal designation.

22 MS. FISCHER: Let's move on to Defendants' Exhibit ID,
23 please.

24 Q. Mr. Dunn, is this an e-mail exchange between you and
25 Melissa Rooker?

I7gnrav5

Dunn - Cross

1 A. Yes, it is.

2 MS. FISCHER: We offer Exhibit ID.

3 THE COURT: Any objection?

4 MS. HARWIN: No, your Honor.

5 THE COURT: ID is admitted.

6 (Defendants' Exhibit ID received in evidence)

7 BY MS. FISCHER:

8 Q. Mr. Dunn, there is an e-mail from you that begins in the
9 middle of this top section: "Hi, Melissa. Not yet. I was
10 working on Bekaert all afternoon."

11 And there's some information that's redacted.

12 Do you have any understanding of what "I was working
13 on Bekaert all afternoon," what that is a reference to?

14 A. I believe I may have been working on drafting the outcome
15 letter and compiling and synthesizing all the information and
16 evidence we had gathered.

17 MS. FISCHER: Can we please pull up Defendants'
18 Exhibit IF.

19 THE WITNESS: Thank you.

20 BY MS. FISCHER:

21 Q. Mr. Dunn, do you recognize this as an e-mail between you,
22 Kathy Phillips, and Janet Horan?

23 A. Yes, I do.

24 MS. FISCHER: We offer Exhibit IF into evidence.

25 THE COURT: Any objection?

I7gnrav5

Dunn - Cross

1 MS. HARWIN: No objection.

2 THE COURT: IF will be admitted.

3 (Defendants' Exhibit IF received in evidence)

4 BY MS. FISCHER:

5 Q. If you look on page 2 of this document, Mr. Dunn, that
6 bottom e-mail from you, "Hi, Janet could you please send me a
7 copy of Professor Ravina's most recent faculty activity form.
8 Thanks very much, Michael."

9 What is a faculty activity form?

10 A. A faculty activity form basically compiles all of a faculty
11 members' academic activity, so their research, their papers,
12 research in progress, teaching, teaching evaluations, grant
13 applications, everything they've done in their role as a
14 faculty member during a certain period of time.

15 Q. And what was the date of your e-mail to Vice Dean Horan?

16 A. October 28, 2014.

17 Q. Why did you request Professor Ravina's faculty activity
18 form?

19 A. To the best of my recollection, I think that I had
20 requested this form so that I could have a better sense of how
21 Professor Ravina's professional trajectory was going on terms
22 of her progression on the tenure track.

23 Q. Let's look at page 1 of this document, please, this e-mail
24 from Kathy Phillips to you.

25 It reads, "Hi, Michael attached please find the most

I7gnrav5

Dunn - Cross

1 recent FAR report."

2 Is an FAR a faculty activity form or a faculty
3 activity report?

4 A. Yes.

5 Q. Is that the same thing that you had requested in your
6 e-mail below?

7 A. Yes.

8 Q. "From Enrichetta Ravina which was submitted for the January
9 1-December 31, 2013, time frame. I am including the CV that
10 was submitted as well."

11 MS. FISCHER: And then if we could take a look at the
12 document -- at the page that begins with Bates No. 903.

13 Q. Well, first let me ask you, Mr. Dunn, does this appear to
14 be Professor Ravina's faculty activity report?

15 A. Yes.

16 Q. Is this the document that you requested?

17 A. Yes.

18 Q. Does it appear to be attached to the e-mail from professor
19 Phillips?

20 A. Yes, it does.

21 Q. All right. Let's look in the bottom of that page, 903,
22 under "Not Yet Submitted."

23 Can you please just read under B the, those three
24 lines.

25 A. "In the first part of the year, in addition to working on

I7gnrav5

Dunn - Cross

1 the revisions above, I have done a lot of work and analysis on
2 the 401(k) dataset to make it ready with the expectation that I
3 have had more advanced drafts than the two below, but it looks
4 like things will be moving now."

5 Q. Did you have an understanding of who filled out this form?

6 A. I believe that Professor Ravina filled it out.

7 Q. How did reviewing professor -- well, did you review this
8 document at the time?

9 A. Yes, I did.

10 Q. How, if at all, did this document impact your assessment?

11 A. To the best of my recollection, I don't think this document
12 had a big impact on the assessment of whether Professor Bekaert
13 had engaged in any policy violations, but it was helpful to
14 better understand the academic and research questions involved
15 in the issue.

16 MS. FISCHER: Can we please pull up Defendants'
17 Exhibit IG.

18 BY MS. FISCHER:

19 Q. Mr. Dunn, is this an e-mail exchange between you and
20 Professor Bekaert?

21 A. Yes, it is.

22 MS. FISCHER: Can we offer Exhibit IG.

23 THE COURT: Any objection?

24 MS. HARWIN: No, your Honor.

25 THE COURT: IG will be admitted.

I7gnrav5

Dunn - Cross

(Defendants' Exhibit IG received in evidence)

Q. Mr. Dunn, if you look at the e-mail that begins on the bottom of the first page and it continues, did you ask Professor Bekaert for an additional interview?

A. Yes, I did.

Q. And what was the date that you asked him for another interview?

A. October 28, 2014.

Q. Why did you ask professor Bekaert for an additional interview?

A. I had -- I had one kind of very specific question I wanted to ask him about, so I wanted to find a time for us to speak.

Q. And did you speak with him?

A. Yes, I did.

MS. FISCHER: Can you please pull up Defendants' Exhibit IO.

THE WITNESS: Thank you.

Q. Mr. Dunn, is this an e-mail you sent to Professor Ravina?

A. Yes, it is.

Q. What is the date of this e-mail?

A. November 7, 2014.

MS. FISCHER: We offer Exhibit IO.

THE COURT: Any objection?

MS. HARWIN: No objection.

THE COURT: It will be admitted.

I7gnrav5

Dunn - Cross

(Defendants' Exhibit IO received in evidence)

BY MS. FISCHER:

Q. Can you please just read the first two sentences.

A. "I hope you are well. I am in the process of finalizing the report and I've just a few follow-up questions I'd like to ask to clarify a few points."

Q. And then did you ask her for a time to meet?

A. Yes, I presented some different windows of time for a phone call -- for a meeting.

Q. And did you in fact speak with Professor Ravina again?

A. Yes, I did.

Q. Did you prepare a -- why don't we show you defendants Exhibit D.

Do you recognize this document?

A. Yes, I do.

Q. What is this document?

A. This is a document of the issues I wanted to speak with Professor Ravina about.

MS. FISCHER: We offer Exhibit D.

THE COURT: Any objection?

MS. HARWIN: No objection.

THE COURT: It will be admitted.

(Defendants' Exhibit D received in evidence)

BY MS. FISCHER:

Q. Why were you e-mailing Professor Ravina or why did you --

I7gnrav5

Dunn - Cross

1 why did these issues come up at that time, meaning in November
2 of 2014?

3 A. To the best of my recollection, you know, these issues were
4 really drawn from what Professor Bekaert had shared with me,
5 the information that he had provided. And so I wanted to speak
6 with Professor Ravina in order to get her perspective on what
7 Professor Bekaert had said and to learn more from Professor
8 Ravina about some of the issues that Professor Bekaert had
9 introduced to me.

10 Q. I believe you said, but did you speak with Professor
11 Ravina?

12 A. Yes, I did.

13 MS. FISCHER: Can you please pull up Defendants'
14 Exhibit IT?

15 Q. Look at this document.

16 MS. FISCHER: It's actually -- can you -- can we look
17 at the first couple pages of this document, please.

18 BY MS. FISCHER:

19 Q. Are these your typed up notes?

20 A. Yes, they are.

21 MS. FISCHER: And now can we look on the next page.

22 Q. Are these your handwritten notes?

23 A. Yes.

24 Q. And are these notes you took during your discussion with
25 Professor Ravina?

I7gnrav5

Dunn - Cross

1 A. Yes, they are.

2 Q. And what date was your discussion with Professor Ravina?

3 A. November 12, 2014.

4 Q. And what did Professor Ravina discuss with you during this
5 interview?

6 A. We spoke about a lot of the different issues that had been
7 raised; everything from, you know, who made arrangements for
8 the dinner to the question of to whom Professor Bekaert gave
9 chocolates; the whole question of mentorship, comments about
10 Owen Wilson being hot, for example.

11 We also talked about the mug in Professor Bekaert's
12 office, and then we talked more about the alleged delays of the
13 papers. Those were some of the main issues that we focused on.

14 Q. Had Professor Ravina mentioned the mug to you in prior
15 conversations?

16 A. No, this was the first I had heard about the mug.

17 MS. FISCHER: Can we please pull up Defendants'
18 Exhibit IQ.

19 Q. I would like to look at the e-mail -- is this an e-mail
20 exchange between you and Professor Bekaert, Mr. Dunn?

21 A. Yes, it is.

22 MS. FISCHER: We offer Exhibit IQ into evidence.

23 THE COURT: Any objection?

24 MS. HARWIN: No, your Honor.

25 THE COURT: IQ will be admitted.

I7gnrav5

Dunn - Cross

1 (Defendants' Exhibit IQ received in evidence)

2 THE COURT: Feel free to go through this document, but
3 I think we should probably take a break soon.

4 MS. FISCHER: OK.

5 Q. Look at the e-mail at the bottom of page 1, going on to the
6 top of page 2. I'm sorry.

7 The e-mail on page 1 from you to Professor Bekaert at
8 1:40 p.m.

9 "Dear Geert, would you have time for a five-minute
10 call this afternoon anytime after 3 p.m. I have a very
11 specific follow-up question for you."

12 Why did you e-mail Professor Bekaert on November 12?

13 A. To the best of my recollection, I sent this e-mail after
14 speaking with Professor Ravina so that I could ask him about
15 this new allegation involving the mug.

16 Q. And what date -- was this -- when did you e-mail Professor
17 Bekaert in relation to when Professor Ravina raised the issue
18 of the mug with you?

19 A. I believe it was the same day.

20 MS. FISCHER: Why don't we look back at IT, the third
21 page, which shows -- Mr. Dunn's notes.

22 BY MS. FISCHER:

23 Q. What's the date there?

24 A. November 12, 2014.

25 MS. FISCHER: And now let's look back at IQ.

I7gnrav5

Dunn - Cross

1 Q. What's the date that you asked Professor Bekaert to speak?

2 A. November 12, 2014.

3 MS. FISCHER: Now is a good point.

4 THE COURT: Ladies and gentlemen, why don't we take
5 our afternoon break. Please remember keep an open mind and
6 don't discuss the case.

7 (Jury not present)

8 THE COURT: Please come back in 15 minutes.

9 (Continued on next page)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

I7g1rav6

Dunn - Cross

(In open court; jury not present)

THE COURT: Everyone can be seated and we'll bring the jury in.

(Jury present)

THE COURT: All right. Everyone can be seated. Please proceed.

MS. FISCHER: Thank you.

BY MS. FISCHER:

Q. Right before the break, Mr. Dunn, we were looking at defendant's IQ.

MS. FISCHER: If we could just pull that up again, please.

Q. And Mr. Dunn, looking at this document, did you have a further discussion with Professor Bekaert?

A. Yes, I did.

MS. FISCHER: Can you please pull up Defendant's Exhibit IU. IU. Thank you.

Q. Mr. Dunn, are these your handwritten notes?

A. Yes, they are.

Q. And what's the date on them?

A. November 12, 2014.

MS. FISCHER: We offer Defendant's IU into evidence.

THE COURT: Any objection?

MS. HARWIN: No, your Honor.

THE COURT: All right. It will be admitted.

I7glrav6

Dunn - Cross

(Defendant's Exhibit IU received in evidence)

Q. Mr. Dunn, are these your notes from your discussion with Geert Bekaert?

A. Yes, they are.

Q. What was discussed? What did you discuss with Professor Bekaert on November 12th?

A. We talked about the mug that Professor Ravina had mentioned to me that day, and we also talked about Professor Bekaert's busyness and all the projects he was working on.

Q. In the middle of the page, there's a note, "GB to send me the vitae." Do you have an understanding of what that's in reference to?

A. Yes. He was going to send me his curriculum vitae, which had the listing of all of his current and ongoing projects.

Q. Before we get there, looking at No. 1 in this document, what did Professor Bekaert tell you about the mug?

A. He told me that the mug had written on it, it said, "Cultured, refined, sophisticated," and then I believe on the bottom of the mug, it said "and horny." I asked Professor Bekaert about the interaction with Professor Ravina and the mug and he said that she had pointed it out. He said he didn't remember. And that he had received it from friends a long time ago.

Q. After this conversation did Professor Bekaert send you his vitae or CV?

I7glrav6

Dunn - Cross

1 A. Yes, he did.

2 MS. FISCHER: Could we pull up Defendant's Exhibit IR,
3 please.

4 Q. Is this an email you received from Professor Bekaert?

5 A. Yes, it is.

6 MS. FISCHER: We offer Defendant's IR into evidence.

7 THE COURT: Any objection?

8 MS. HARWIN: No, your Honor.

9 THE COURT: IR will be admitted.

10 (Defendant's Exhibit IR received in evidence)

11 MS. FISCHER: Thank you.

12 Q. And Mr. Dunn, what's the date of this communication?

13 A. November 12, 2014.

14 Q. Looking at the first paragraph, the fourth to last line of
15 the first paragraph beginning in the middle, how did Professor
16 Bekaert describe the mug?

17 A. "It is indeed a bizarre memento," that line?

18 Q. Yes.

19 A. So he -- he said that he had -- it was his own memento, in
20 his words, he said he had gotten it from his mother-in-law, and
21 he said that he thought it was funny but people can disagree.

22 Q. And the next paragraph begins, "Second, on me being busy."
23 Did Professor Bekaert email you about his being busy?

24 A. Yes, he did.

25 Q. And what did he communicate to you on that topic?

I7glrav6

Dunn - Cross

1 A. He talked about the extensive number of projects he had
2 going on at once and he talked about how he would, you know,
3 work simultaneously on some, there would be delays in others,
4 others moved forward more incrementally, and he just spoke
5 about how he managed all of these different projects and he
6 talked about how he believed he had been the one who was making
7 progress on these research partnerships with Professor Ravina.

8 MS. FISCHER: Can we look at page 2 of this email,
9 please.

10 Q. Does this appear to be a continuation of Professor
11 Bekaert's email to you?

12 A. Yes.

13 Q. Looking at where it says, "In summary," in the middle of
14 the page, what's the first sentence in point A there?

15 A. "Yes, I am really, really busy, but frankly, I do produce
16 and get my research mostly written up and published. When I am
17 in New York, I work mostly seven-day weeks."

18 Q. And then B, can you please read the first sentence.

19 A. "I was actually happy with the progress on the projects
20 with Enrichetta. The main cause preventing rapid progress was
21 that we got the data very late, and by then it was becoming
22 quite difficult to salvage Enrichetta's career."

23 Q. And the next sentence, please?

24 A. "I have no idea why she did not take my advice and put more
25 time in the revise and resubmits she had at top finance

I7g1rav6

Dunn - Cross

1 journals."

2 Q. Now let's look at C.

3 A. "I am --"

4 Q. Just the first sentence.

5 A. "I am taken aback at Enrichetta's attempts to put a
6 different spin on the personal conversations, dinners, and
7 encounters we of course did have. I considered us to be good
8 friends."

9 Q. And then now let's just look at the bottom paragraph on
10 that page. Can you just read the first two sentences, please.

11 A. "This case is very upsetting to me. I considered her to be
12 a good friend, and I tried to help her in many ways. I also
13 spoke on her behalf in faculty meetings as I did believe early
14 on that a combination of her personal work, the R&Rs, and our
15 joint work could revive her career."

16 Q. And the next sentence?

17 A. "And after a few strong emails, ironically essentially
18 about her stalling the projects, I'm suddenly made the
19 scapegoat for all and any of her perceived failures."

20 Q. Did Professor Bekaert attach his CV to this email?

21 A. Yes, he did.

22 Q. Let's just take a look beginning on page 67032.

23 Is this the CV that Professor Bekaert sent to you?

24 A. Yes, it is.

25 Q. And what were -- and did you review it, Professor Bekaert's

I7g1rav6

Dunn - Cross

1 CV?

2 A. I did, yes.

3 Q. What were your impressions after reviewing this email and
4 Professor Bekaert's CV?

5 A. The CV and the email did confirm sort of how busy he was in
6 terms of the number of projects he was working on and that he
7 had in the pipeline. The email address also -- the email
8 itself -- excuse me -- also served to kind of summarize his
9 entire position on this issue and summarize his narrative of
10 what was going on with Professor Ravina.

11 Q. Did you come to a conclusion as to whether or not
12 Columbia's EOAA policies were violated?

13 A. I did.

14 Q. And did you memorialize your conclusions in a letter?

15 A. Yes, I did.

16 MS. FISCHER: Can we please display Plaintiff's 90,
17 which I believe is admitted.

18 Q. Is this the letter that you just referred to?

19 A. Yes, it is.

20 Q. Called an outcome letter?

21 A. Yes.

22 MS. FISCHER: Let's look at page 6 of this document,
23 the middle paragraph on that page.

24 Q. "In conclusion, based on a review of the allegations,
25 interviews with the parties involved, and a review of the

I7glrav6

Dunn - Cross

1 relevant documentation, I did not find evidence to support that
2 Professor Bekaert indeed used sexual harassment in violation of
3 Columbia University's employment policies and procedures on
4 discrimination and harassment."

5 Was that the conclusion that you reached?

6 A. Yes, it was.

7 Q. How did you come to this conclusion?

8 A. I came to that conclusion based on the interviews with
9 Professor Ravina and Professor Bekaert, all the conversations
10 we had, you know, reviewing all of the voluminous emails that
11 they gave to me, the conversation with Nancy Xu, as well as
12 reviewing Professor Ravina's faculty activity report and
13 Professor Bekaert's CV and the materials he provided.

14 Q. And based on your review of those materials, how did you
15 come to this conclusion?

16 A. Well, given the nature of their relationship, I didn't find
17 evidence of unwelcome sexual advances or unwelcome sexual
18 activity by Professor Bekaert towards Professor Ravina. I
19 didn't find evidence that Professor Bekaert was delaying
20 Professor Ravina's papers, and even if so, there wasn't any
21 evidence that any delay was motivated for sexual harassing
22 reasons. Instead, as I wrote in this letter, I found that
23 there was a -- a friendly relationship that was flirtatious at
24 times. They both acted inappropriately and unprofessionally.
25 I noted that Professor Bekaert's behavior was more egregious

I7glrav6

Dunn - Cross

1 than Professor Ravina's in part due to his role and the power
2 imbalance there with him as a senior tenured faculty member,
3 and so I did recommend that he should receive additional
4 training. But as -- even though I did find that the actions
5 were unprofessional, I did not find that they violated these
6 very specific policies on sexual harassment and the other
7 issues covered by EOAA.

8 Q. Well, do you recall being asked this morning about whether
9 you investigated sexual harassment or, as you just described,
10 other EOAA issues?

11 A. Yes.

12 Q. Did you investigate all of the issues that Professor Ravina
13 raised with you?

14 A. Yes, I did.

15 Q. Why is your letter -- I'm looking at page 1, where there's
16 a definition of sexual harassment. Why does your letter state
17 the sexual harassment -- or appear to state the sexual
18 harassment portion of the EOAA policy and not the
19 discriminatory harassment or gender discrimination portion?

20 A. Sexual harassment was the main issue that was implicated by
21 the concerns that Professor Ravina had raised, and sexual
22 harassment is a form of discriminatory harassment. It's a form
23 of discrimination. And so this language was included because
24 that would be the main focus of the investigation and of our
25 analysis.

I7g1rav6

Dunn - Cross

1 Q. Had Professor Ravina used the term "gender discrimination"
2 or "discriminatory harassment," would your investigation have
3 been any different?

4 A. No, I don't believe so.

5 Q. Did you investigate the pace of Professor Ravina's research
6 to see if her papers were held back by Professor Bekaert?

7 A. I did not investigate that specific question.

8 Q. Why not?

9 A. Because the investigation was focused on whether Professor
10 Bekaert engaged in sexual harassment towards Professor Ravina.
11 There are any number of reasons why papers could be delayed, if
12 they are delayed, by Professor Bekaert. I needed to focus my
13 investigation on the very specific purview of EOAA, which is
14 whether sexual harassment is occurring.

15 MS. FISCHER: Could we have the second to last page of
16 the outcome letter, the last line that contains the sentence
17 that contains, to the last page.

18 Q. "I found that you and Professor Bekaert engaged in a
19 friendly working relationship that soured when you did not
20 communicate effectively regarding your concerns about the
21 status of your projects."

22 Do you see that, Mr. Dunn?

23 A. Yes, I do.

24 Q. Were you blaming Professor Ravina for what happened?

25 A. I did not intend to, and as I look back now, I think that's

I7glrav6

Dunn - Cross

1 one sentence that I wish I could rewrite in that I do not think
2 that Professor Ravina solely failed to communicate effectively
3 and that's what soured the relationship. I do think it was a
4 mutual process they were both responsible for. And so I do
5 think that this sentence is -- could be written in a more clear
6 way. I should have written, "I found that you and Professor
7 Bekaert engaged in a friendly working relationship that soured
8 when you both did not communicate effectively," or something
9 along those lines.

10 Q. And did you note in your letter that Professor Ravina and
11 Professor Bekaert both did not communicate effectively? Is
12 that noted anywhere in your letter?

13 A. Yes, I believe it is. And I note a few sentences down that
14 Professor Bekaert communicated in a more egregious manner and
15 addressed Professor Ravina in unnecessarily aggressive tones
16 that were ill suited for his position. So I tried to be clear
17 about that.

18 Q. As part of your investigation, I believe you testified that
19 you interviewed -- who did you interview as part of your
20 investigation?

21 A. I spoke with Professor Ravina twice, Professor Bekaert
22 three times, and I spoke with Nancy Xu once.

23 Q. Why didn't you interview anyone else?

24 A. The parties didn't identify anyone else as being a
25 potential witness who could speak to the allegations that they

I7glrav6

Dunn - Cross

1 were discussing.

2 Q. What do you mean by "speak to the allegations"?

3 A. People who had, you know, direct firsthand information
4 about what was happening, people who had seen things or been
5 present, you know, more than just hearing things secondhand or
6 as hearsay.

7 Q. Looking back at the outcome letter still in front of you,
8 the very last paragraph, "In light of these conclusions, I
9 refer this matter to CBS for appropriate action and training."

10 Why did you refer this matter to Columbia Business
11 School for appropriate action and training?

12 A. Because even though we found that there wasn't a violation
13 of the EOAA policies, we certainly found communication and
14 professional interactions that were not up to par and that
15 reflected a certain lack of professionalism, and so even if it
16 wasn't a formal policy violation that might merit some kind of
17 punitive or disciplinary action, there was certainly room for
18 improvement in how Professor Bekaert in particular was engaging
19 with Professor Ravina.

20 May I add one thing too to my last answer about
21 interviewing people. I think it's important to note also that
22 in addition to the conversations with the parties and Nancy, I
23 had also received almost 250 pages of emails between these two
24 people, many of which overlapped, which also offered
25 black-and-white proof of the nature and the dynamics between

I7g1rav6

Dunn - Cross

1 them, and so those emails were really helpful also in
2 illustrating how these two people interacted with each other.

3 MS. FISCHER: Could we please pull up Plaintiff's 63.
4 It's already in evidence.

5 Q. And Mr. Dunn, can you just identify this again. I just
6 have one or two questions about this.

7 A. These are the notes that I wrote during my first meeting
8 with Professor Ravina on August 12, 2014.

9 MS. FISCHER: Can we go to page 3 of this document,
10 please. Second paragraph.

11 Q. Can you please read the second paragraph.

12 A. "Concerned regarding retaliation. GB doesn't respect the
13 rules. Worried he'll spread bad things to other colleagues."

14 Q. Why didn't you investigate whether Professor Bekaert
15 retaliated against Professor Ravina?

16 A. Well, with this statement, Professor Ravina expressed that
17 she was worried about possible future retaliation. She never
18 alleged to me that he engaged in retaliation, you know, during
19 this conversation -- during this conversation or anything like
20 that. She expressed concern that he would retaliate in the
21 future. And in part that's why I made sure to emphasize the
22 prohibition on retaliation during my conversations with him.

23 MS. FISCHER: Can we please pull up Plaintiff's 47.

24 THE COURT: It's already admitted.

25 MS. FISCHER: This is already admitted, yes.

I7glrav6

Dunn - Cross

1 Q. And Mr. Dunn, do you recall this email?

2 A. Yes, I do.

3 Q. And what's the date on this email?

4 A. July 14, 2014.

5 Q. Was this email sent before or after Professor Ravina met
6 with Kathy Phillips and complained of what was then referred to
7 as sexual innuendos?

8 A. I believe it was sent before.

9 Q. Mr. Dunn, you were asked some questions earlier about the
10 timing of your investigation and why it took several months to
11 complete. Why did your investigation, which began sometime in
12 July or early August, take until November for you to complete?

13 A. It took that much time to complete because we needed to do
14 a really thorough job and we needed to follow up on all the
15 different issues that were being reported. In addition to the
16 multiple interviews I had with the parties, you know, it took
17 time to go through all those emails, to ascertain what I needed
18 to follow up on, and then after I spoke with one party about
19 it, I needed to go back to the other and learn more. And so
20 even with something like the mug, which was new information
21 that came up fairly late in the investigative process, I needed
22 to go back and speak with the parties again about that.

23 And so, you know, also at the same time as this
24 investigation, there were other investigations going on, other
25 matters that might become urgent or high priority on any given

I7g1rav6

Dunn - Cross

1 day, so it was a matter of really trying to make sure that we
2 could do the best we could.

3 And, you know, I note emails in here that I sent well
4 after working hours, which I think reflects kind of how we were
5 trying to move things forward and resolve this as expeditiously
6 as possible, but knowing that we can't rush it. And if we did
7 an investigation in one week, I'd be really concerned that we'd
8 miss things. You know, it takes time to be thorough. And in a
9 case like this, I know that it's -- the investigation took
10 longer than any of us would have liked, but I -- I felt some
11 relief in the fact that the business school was already
12 implementing a number of remedies to address the situation even
13 as the investigation was ongoing.

14 Q. Could you just expand on that last statement. What
15 remedies are you referring to?

16 A. Well, the business school had identified a relationship
17 manager, they were working on plans regarding the authorship of
18 the papers, they were talking about Professor Ravina's tenure
19 clock and Professor Bekaert's involvement in that process, the
20 dean and other high-level administrators were involved in
21 ongoing conversations, and even at the point where I became
22 involved as a member of EOAA, it's not like, well, EOAA is
23 dealing with it so now the business school is going to stop.
24 All of those conversations and meetings continued and I became,
25 you know, another member of the team trying to address the

I7glrav6

Dunn - Cross

1 situation, even as we worked to get at the bottom of it through
2 the investigative process.

3 MS. FISCHER: Could we please pull up Defendant's
4 Exhibit JB.

5 THE COURT: Any objection?

6 MS. HARWIN: No, your Honor.

7 THE COURT: It will be admitted.

8 (Defendant's Exhibit JB received in evidence)

9 BY MS. FISCHER:

10 Q. Mr. Dunn, do you recognize this as an email correspondence
11 you had with Professor Ravina?

12 A. Yes.

13 Q. And what's the date of this correspondence?

14 A. Professor Ravina emailed me on December 1st and I replied
15 to her on December 2, 2014.

16 Q. On the first two pages, that's right.

17 In Professor Ravina's email to you beginning on the
18 bottom of page 1, can you just read the first sentence of her
19 email to you.

20 A. "I've read your report carefully and I profoundly disagree
21 with it."

22 Q. And the next sentence?

23 A. "It is a biased, incomplete, and inadequate account of what
24 has happened."

25 Q. Let's look at the top of page 2. Can you just read the

I7g1rav6

Dunn - Cross

1 first sentence, please.

2 A. "Some of the most striking examples of facts and parts that
3 are missing in the report, despite being included in the emails
4 I sent you and in our conversations, are below. It is by no
5 means a complete list."

6 Q. Let's now look at these bullets.

7 The first, "The report completely ignores my complaint
8 about the way the school handled the case," what did you
9 understand that to be a reference to?

10 A. I understood this to be an expression of Professor Ravina's
11 I guess frustration or disappointment at the way that the
12 business school had delayed the case or encouraged her to
13 forget about this or treating the case as a hot potato, always
14 landing on someone else's desk. And that the college -- the
15 university was effectively siding with Professor Bekaert.

16 Q. Did you believe that the business school delayed taking
17 care of her case --

18 A. No, I did not.

19 Q. -- handling her case?

20 A. No, I did not.

21 Q. If you look about five lines down, it says, "The report
22 also ignores the central issues related to protecting my
23 intellectual property." Do you see that?

24 A. Yes.

25 Q. Did you have any understanding about whether Professor

I7glrav6

Dunn - Cross

1 Ravina's concerns about her work and the division of labor on
2 the projects she worked on with Professor Bekaert were being
3 handled?

4 A. I'm sorry. Can you repeat that question.

5 Q. Sure. I can make that more clear.

6 Did you have any understanding about whether Professor
7 Ravina's concerns about her work or, as she called it, her
8 intellectual property were being handled?

9 A. Yes.

10 Q. And what was that understanding?

11 A. She was worried about Professor Bekaert, you know, delaying
12 her work in such a way that would prevent her from getting
13 publications out the door that would impede her progress
14 towards tenure.

15 Q. If we go just a few lines down, it says, "These claims are
16 supported by dozens of emails I dropped by your office and of
17 which you have acknowledged receipt."

18 Did you think that Professor Ravina's claims were
19 supported by the dozens of emails she dropped by?

20 A. No, I did not.

21 Q. Looking down at the next paragraph, it says, "Second, you
22 have left multiple facts and emails out, have taken others out
23 of context, and, by doing so, twisted their meaning and
24 portrayed my responses as flirting with Geert." Do you see
25 that?

I7glrav6

Dunn - Cross

1 A. Yes.

2 Q. Did you agree with what Professor Ravina wrote here?

3 A. I did not.

4 Q. In the next paragraph, "The report completely dismisses my
5 version of what happened." Do you see that?

6 A. Yes, I do.

7 Q. Did Professor Ravina -- did you understand Professor
8 Ravina -- what did you understand Professor Ravina to be
9 communicating to you in this email?

10 A. I interpreted this email, and really that sentence itself,
11 as kind of saying that we did not take this seriously and that
12 we -- we presented a very biased investigation and that we sort
13 of never were going to give her a fair shake in the
14 investigative process, and I absolutely disagree with that. We
15 took Professor Ravina's version of what happened, to use her
16 language, incredibly seriously. I chased down every allegation
17 that she raised, whether it was -- whether Professor Bekaert
18 gave her a music CD, whether he touched her hand, the
19 invitations to dinner and coffee, all those different elements.
20 And in fact when I spoke with Professor Ravina, she had told me
21 that looking at all these things individually, it's nothing
22 major, but when you look at it all together -- and so I did the
23 best I could to track down all those small little elements and
24 piece them together. And I understand that she might disagree
25 with the conclusion that I reached, I understand that it's a

I7glrav6

Dunn - Cross

1 disappointing and frustrating outcome to read, because I know
2 this is a very, very big issue and a serious thing in her life,
3 and I respect that, but I think it's not fair to say that I
4 dismissed her version of what happened or didn't take it
5 seriously or I wasn't fair in my treatment of this issue.

6 Q. During your multiple interviews of Professor Ravina, or
7 after the fact, the communications, did Professor Ravina ever
8 tell you that Professor Bekaert had raised his sex life or
9 sexual adventures with her?

10 A. No, she did not.

11 Q. During your multiple interviews with Professor Ravina or in
12 writing after your investigation concluded or during your
13 investigation, did Professor Ravina ever tell you that
14 Professor Bekaert had raised pornography with her?

15 A. No, she did not.

16 Q. During your multiple interviews of Professor Ravina or
17 otherwise in writing, did Professor Ravina ever tell you that
18 Professor Bekaert had placed his hand on her back?

19 A. No, she did not.

20 Q. During your multiple interviews with Professor Ravina or in
21 writing, did Professor Ravina ever tell you that Professor
22 Bekaert tried to kiss her?

23 A. No, she did not.

24 Q. During your multiple interviews with Professor Ravina or in
25 writing during your investigation or afterwards, did Professor

I7glrav6

Dunn - Cross

1 Ravina ever tell you that Professor Bekaert spoke to her about
2 prostitutes?

3 A. No, she did not.

4 Q. When was the first time you heard of any of those things?

5 A. In the course of this litigation.

6 Q. Had Professor Ravina raised any of those issues that I just
7 mentioned, would you have investigated them?

8 A. Yes, absolutely.

9 Q. I believe you testified to this earlier, Mr. Dunn, but are
10 you aware of any other complaints made to the EOAA office about
11 Professor Bekaert?

12 A. Yes, I am.

13 MS. FISCHER: Can we please pull up Plaintiff's 32. I
14 think it's in evidence.

15 Q. Can you please describe the substance of the complaint that
16 you received concerning Professor Bekaert, other than the one
17 that Professor Ravina brought.

18 A. I received a call from Nayla Bahri, who worked in the
19 business school, and she shared with me information about a
20 student who had had a long email exchange with Professor
21 Bekaert and afterwards had reported that she felt threatened
22 and harassed by him and mentioned this comment about -- a
23 comment along the lines of saying, "Hong Kong, where the ladies
24 are nice," in class. This student had changed her mind about
25 whether or not she wanted to file a report and go through a

I7glrav6

Dunn - Cross

1 formal process. I met with the student, and to the best of my
2 recollection, I believe she told me that she wasn't bothered by
3 the comment, but that -- and that she felt kind of embarrassed
4 at how she acted during that email exchange. She had called
5 Professor Bekaert an arrogant ass in the email also. And she
6 did not want to move forward with any kind of investigation.
7 So in light of the information that the student shared with me,
8 I wanted to honor her privacy and honor her wishes to not
9 pursue an investigation, but to be thorough, I did look at the
10 course evaluations from that course to see if other students
11 had raised concerns along these lines, and I decided to bring
12 in Professor Bekaert for a conversation, given his role as a
13 faculty member. And this was all before the Professor Ravina
14 issue came up.

15 So after speaking with the student who had initially
16 raised this issue and when she decided to not move forward with
17 it, I still wanted to make sure we did our due diligence and so
18 we took those other steps to address it and to hopefully head
19 off any future issues, although that didn't work out as we
20 might have hoped.

21 Q. So just to be clear, Mr. Dunn, how did you come to the
22 conclusion with respect to that student complaint? And we can
23 pull up the report, if that's helpful.

24 So how did you come to the conclusion that Columbia's
25 policies were not violated, with respect to the student

I7glrav6

Dunn - Cross

1 complaint about Professor Bekaert?

2 A. Yes. So I think with that student complaint -- and again,
3 this was after the student had indicated that she did not want
4 to move forward with her concerns about her own interactions
5 and exchanges with Professor Bekaert, which she had previously
6 said were harassing or threatening. When I looked at that
7 comment about "Hong Kong, where the ladies are nice," Professor
8 Bekaert did not deny the comment, and so it's certainly
9 possible that he may have said it, but in the analysis, I
10 determined that if he did say this comment, that that one
11 comment by itself would not necessarily create a hostile
12 environment. And so that's what led to the outcome that was
13 reached there.

14 Q. Can we just briefly -- let's take a look at the emails that
15 you've referred to, which are Plaintiff's Exhibit 31.1, which
16 were admitted.

17 Is this the email chain you were referring to?

18 A. Yes, it is.

19 Q. On the bottom of page 1, is that the exchange you were
20 referring to?

21 And we can look on the top of page 2 so it's complete.

22 A. Yes, it is.

23 Q. What did you understand to be the topic of the dispute
24 between Professor Bekaert and this student?

25 A. The email chain began with kind of a normal question about

I7g1rav6

Dunn - Cross

1 the student wanting to review her exam to see how the grade was
2 calculated, and then the question turned into how the grades
3 were calculated and how negative points were applied or
4 positive points were applied within the grading system, and it
5 devolved into exchanges like this.

6 Q. Two other investigations were discussed with you this
7 morning, Mr. Dunn.

8 The first, which we've been referring to as involving
9 Professor 1 --

10 MS. FISCHER: Can we please bring up Plaintiff's 69.1,
11 which is admitted.

12 And can we show the witness both pages.

13 Q. Mr. Dunn, what do you recall about the situation that was
14 presented here?

15 A. So this case began with this anonymous report that was
16 filed through the hotline, the compliance hotline system. It
17 was actually several weeks after the report was received on
18 August 25, 2014 that we received the report in EOAA. I believe
19 that was around September 22, 2014.

20 The challenge with an anonymous report like this is
21 that it can be very difficult to know who to talk to about the
22 situation and who has been affected by it. So in this case we
23 knew the identity of the professor who allegedly had the affair
24 with a student, and we also had several professors identified
25 who -- who may have learned about it or who knew about what was

I7g1rav6

Dunn - Cross

1 going on. So I reached out to those three professors who had
2 been identified as possible witnesses. I was able to get in
3 touch with one, who said that he had never heard anything about
4 it.

5 I did speak with the accused professor, and he
6 acknowledged having the affair with the student. He told me
7 about everything that had happened there within the context of
8 his own personal life, and he told me that the affair had
9 happened with a student after the class had ended and after the
10 grades had been submitted. Under Columbia's policies, faculty
11 are prohibited from having relationships with students if they
12 have academic authority over them, but that is no longer the
13 case after a class is done and the grade is turned in.

14 The professor identified the student with whom he had
15 had the affair. I contacted her. She was very anguished to
16 hear from me, to know that this issue was coming up. She was
17 really worried about her privacy and the effects that this
18 could have on her life. She did not want the university to
19 really do anything or to be involved in this situation. And so
20 I did my best to honor her privacy sort of throughout that
21 investigative process. She also confirmed to me that the
22 affair happened when the professor no longer had any academic
23 authority over her.

24 So there was no question then that this did not
25 violate the policy on relationships between faculty and

I7glrav6

Dunn - Cross

1 students.

2 In terms of the question of a possible hostile
3 environment, again, there was no one who had been identified as
4 allegedly experiencing the hostile environment. We didn't know
5 where this report came from. And I determined that it would
6 not be appropriate for me to pick up the phone or start
7 emailing people to say, hey, did you hear about this professor
8 having an affair with a student, and if so, did it create a
9 hostile environment for you? That seemed to be beyond the
10 scope of the office. You know, it's not appropriate for EOAA
11 to become the sex police all over the university, and it seemed
12 to be something that would be really harmful to the student I
13 talked to who had already expressed her pain about the
14 situation. But through this, we were able to speak with the
15 professor to deal with it appropriately at the business school,
16 and so I think we were able to fully address the issue even if
17 we didn't find that there was a violation of policy.

18 Q. You were also asked -- and just to be clear, I know this
19 was referenced earlier, but -- that complaint, the consensual
20 relationship, did not involve Professor Bekaert.

21 A. Yes, that's correct.

22 Q. And you were also asked about another complaint you
23 investigated in the business school that also did not involve
24 Professor Bekaert.

25 MS. FISCHER: Can we pull up, please, 69.3, which is

I7g1rav6

Dunn - Cross

1 in evidence.

2 Q. And Mr. Dunn, to your recollection what was this complaint
3 all about?

4 A. I got a call from Janet Horan, who had spoken with a
5 student who complained about this professor's behavior in
6 class. As I wrote in this report, she said that he was sexist,
7 demeaning to women and inappropriate. So I met with that
8 student because I was looking broadly at this as a
9 discriminatory harassment issue. And the student was very
10 explicit in saying that this professor was an equal opportunity
11 offender and that he did not target any group of people or any
12 protected class or anyone else. And the student actually told
13 me that if the professor had been doing this, she would have
14 reported it earlier.

15 Q. When you say "had been doing this," what do you mean?

16 A. Had been harassing people on the basis of their identities,
17 or their membership in a protected class, like their race,
18 their gender, what have you, that the student would have
19 reported it even sooner. She said that this professor was just
20 generally argumentative and combative and demeaning towards
21 students.

22 And so at that point the student who had brought this
23 issue forward had now said to me that, look, there's not an
24 EOAA issue here. So even with that in mind, out of an
25 abundance of caution and to make sure that we were thorough, I

I7glrav6

Dunn - Cross

1 did look at all of the course evaluations from this course. A
2 couple people did include comments that related to, you know,
3 EOAA-related concerns, but there was nothing specific to really
4 follow up on there. And I also met with the professor himself.
5 He had also talked to Janet Horan, so I knew about their
6 conversation. And I spoke to the professor about all of these
7 issues. And throughout this process, even before the
8 investigation got under way, the professor was scheduled to be
9 teaching a new section of the course, and so two people from
10 the business school were going to be sitting in class to make
11 sure that he was behaving appropriately -- someone I believe
12 from student affairs and somebody from the Teaching Excellence
13 Institute.

14 And so again, based on what the student had told me,
15 based on all those conversations and information, I didn't find
16 that there was a policy violation, but as we discussed this
17 morning, I recommended that the professor continue to utilize
18 that Teaching Excellence Institute and that the business school
19 continue to work closely with him to make sure that he was
20 behaving appropriately in the classroom.

21 (Continued on next page)

22

23

24

25

I7gnrav7

Dunn - Cross

1 Q. Do you recall this morning you were shown several course
2 evaluations from that course?

3 A. Yes.

4 Q. Were those the entirety of the evaluations that you
5 reviewed?

6 A. No.

7 Q. Did you review others?

8 A. Yes, I did.

9 Q. Did you review all the evaluations from that course?

10 A. Yes, I did.

11 Q. Mr. Dunn, I think you were asked this morning about the
12 timing of these other investigations that you conducted, that
13 they may have taken more than 60 days from beginning to end.

14 Can you explain why that might have been the case.

15 A. As I mentioned earlier, you know, these cases are
16 complicated and thorough. It takes time to address them fully.
17 It is a mix of scheduling interviews, conducting interviews,
18 looking at written materials, whether they're e-mails or course
19 evaluations, things like that.

20 And it is important to note also that, you know, all
21 three of these cases that we have been talking about were
22 happening roughly simultaneously. So there might be one day
23 where I am doing work on all three cases trying to move
24 everything forward as best as I can.

25 Then other issues arise, things that become

I7gnrav7

Dunn - Cross

1 emergencies or different priority levels, and I know that for
2 anyone involved in a given EOAA case the only issue they care
3 about is their own, and this is a totally reasonable.

4 One of the challenging aspects of the job to make sure
5 that we can balance everything that is going on and keep things
6 moving forward. I wish that we could resolve them sooner in
7 many cases, but we have to make sure that we put in the time to
8 do the best job we can.

9 MS. FISCHER: Thank you.

10 Nothing further.

11 THE COURT: OK. Any redirect?

12 MR. HERNSTADT: Your Honor, I have a few questions.

13 THE COURT: You do? I'm sorry. Go ahead.

14 MR. HERNSTADT: That's OK. Thank you, your Honor.

15 CROSS EXAMINATION

16 BY MR. HERNSTADT:

17 Q. Good afternoon, Mr. Dunn.

18 A. Good afternoon.

19 Q. I just have a few questions.

20 I would like to ask you to take a look at Exhibit 63
21 at page 3, the third paragraph on page 3.

22 Do you have the document in front of you?

23 A. I do not.

24 Q. OK. Sorry. The third paragraph, starting, "He kept
25 stalling her."

I7gnrav7

Dunn - Cross

1 Do you see that paragraph?

2 A. Yes.

3 Q. This refers to Professor Bekaert stalling -- this is
4 Professor Ravina's telling you about what she said was
5 Professor Bekaert's stalling her paper to see if she would --
6 if he would date her -- date him.

7 A. Could we please zoom out of this document, just so I can
8 confirm for myself what we are looking at here.

9 Q. Sure. Do you want to take a look at the first page, see
10 what it is?

11 A. That would be helpful. I'm sorry.

12 Q. Yes. This is what you were shown earlier today, your notes
13 on interview with Professor Ravina on August 12, 2014.

14 A. Yes. Thank you.

15 Q. Going to page 3, to that paragraph.

16 This is Professor Ravina telling you that Professor
17 Bekaert was stalling her paper to see if she would date him, is
18 that correct?

19 A. Yes. That's correct.

20 Q. She said that, Each week he want to go to coffee and not do
21 work. And then -- is that right?

22 A. Yes. That's correct.

23 MR. HERNSTADT: And I'm sorry, no, just the -- to
24 here.

25 Q. And then the last bullet point there is started summer

I7gnrav7

Dunn - Cross

1 2013.

2 Do you see that?

3 A. Yes.

4 Q. So Professor Ravina told you that his stalling papers to
5 see if -- he would date her and that he -- and he would want to
6 go to coffee every week, started in the summer of 2013?

7 A. Yes. That's my read of the notes.

8 Q. Did you ever determine whether Professor Bekaert was in the
9 country or in New York in the summer of 2013?

10 A. I did not.

11 Q. On the next page, the second paragraph down -- this is on
12 page 4 -- Professor Ravina recounted to you that he held her
13 hand once at a restaurant sitting at bar, he put hand on her
14 stool, he held it for a moment.

15 Do you see that?

16 A. Yes.

17 Q. Is that what Professor Ravina told you, that he held it for
18 a moment?

19 A. Yes, it is.

20 Q. Did Professor Ravina ever tell you that he held her hand
21 for 30 seconds?

22 A. Not that I recall.

23 Q. I would like you to look at Exhibit HA. You can see from
24 the top of the first page this is your interview with Professor
25 Bekaert.

I7gnrav7

Dunn - Cross

1 A. Yes.

2 MR. HERNSTADT: So going down to the third from the
3 bottom. This is October 12, 2013.

4 BY MR. HERNSTADT:

5 Q. Did Professor Bekaert show you a text from Professor
6 Ravina?

7 A. I don't recall if he showed me the text or just described
8 it.

9 Q. And he told you that Professor Ravina had invited him to
10 drink Prosecco with her, is that correct?

11 A. I believe so, yes.

12 Q. And Prosecco is a kind of sparkling wine, is that right?

13 A. I can confirm that, yes.

14 Q. OK. Fair enough. I would like you to take a look at
15 Exhibit 77, please, on page 4 -- let's take a look at the first
16 page so you can see what we're talking about.

17 These are your notes of your interview with Professor
18 Bekaert on September 19, 2014, correct?

19 A. Yes. That's correct.

20 Q. So, on page 4, the last paragraph, it starts --

21 MR. HERNSTADT: I'm sorry, one up, please.

22 Q. It starts, "Formal mentor," question mark.

23 Do you see that?

24 A. Yes.

25 Q. And Professor Bekaert responded to you, not really, but

I7gnrav7

Dunn - Cross

1 they viewed him as such.

2 Do you see that?

3 A. Yes.

4 Q. So Professor Bekaert was clear that he wasn't a formal
5 mentor that they -- they being both Professor Ravina and
6 Professor Bekaert -- treated him as a mentor.

7 MS. HARWIN: Objection.

8 Q. Is that what the notes say?

9 THE COURT: These are notes based what Professor
10 Ravina said to you, is that correct?

11 THE WITNESS: I believe this is what Professor
12 Bekaert --

13 THE COURT: Professor Bekaert said to you.

14 Overruled.

15 BY MR. HERNSTADT:

16 Q. I am trying to confirm that Professor Bekaert told you,
17 when asked if he was a formal mentor, his response was not
18 really, but they viewed him as such, is that correct?

19 A. Yes, that's correct.

20 Q. And then I would like you to take a look at Exhibit 87,
21 please. Wait a second.

22 And these are your notes of professor -- of your
23 interview with Professor Ravina on November 11, 2014, is that
24 correct?

25 A. November 12, 2014.

I7gnrav7

Dunn - Cross

1 Q. I'm sorry. November 12, 2014.

2 Looking at the top of the second page, it says that,
3 "ER got e-mails from GB asking for compliments, begging."

4 Did Professor Ravina ever provide you with e-mails
5 showing Professor Bekaert begging her for complaints?

6 A. No, she did not.

7 Q. Is the only e-mail about compliments the e-mail that you
8 discussed earlier where Professor Ravina started the e-mail
9 chain by telling him he was by far, far, far the most
10 good-looking?

11 A. Yes, I believe so.

12 Q. I'd like you to take a look at Exhibit IT, please. This is
13 about two-thirds of the way down the first page, the cartoon
14 mug. So at the bottom of that box.

15 MR. HERNSTADT: No. That's the second page. Can we
16 go back to the first page of the exhibit.

17 BY MR. HERNSTADT:

18 Q. So these are your typed notes of your interview with
19 Professor Ravina on November 12?

20 A. Yes, that's correct.

21 Q. Do you see the fifth bullet point up from the bottom, this
22 is the discussion of the mug, correct?

23 A. Yes. That's correct.

24 Q. This is what Professor Ravina told you occurred in
25 connection with this mug, right?

I7gnrav7

Dunn - Cross

1 A. Yes, that's right.

2 Q. And she said that he told her to look -- he being Professor
3 Bekaert -- told her to look at the cup, she saw the bottom and
4 made a nervous laugh.

5 Who made the nervous laugh? Professor Bekaert or
6 Professor Ravina?

7 A. I believe Professor Ravina.

8 Q. Did Professor Ravina tell you that at that point Professor
9 Bekaert looked at her and said it's true?

10 A. No, she did not.

11 Q. I'd like to ask you a couple of questions about the MBA
12 student, if I may.

13 So -- we've looked at that e-mail exchange. This is
14 Exhibit 31.1. I'm not going to ask you to go back through it.
15 But there's nothing about sex or ladies in that e-mail
16 exchange, right?

17 A. No, there's not.

18 Q. And this e-mail exchange was the focus of the MBA student's
19 complaint, was it not?

20 A. Yes. Along with the alleged comment about women in
21 Hong Kong.

22 Q. So looking at Exhibit 33, these are your notes of your
23 interview with the student, is that correct?

24 A. Yes, that's correct.

25 Q. If you look at first long paragraph on the first page, it

I7gnrav7

Dunn - Cross

1 starts "e-mail convo." This is about the long e-mail exchange?

2 A. Yes.

3 Q. So this was virtually the first thing she said to you in
4 the interview, correct?

5 A. Yes, that's correct.

6 Q. And then turning to the second page right underneath --

7 MR. HERNSTADT: Right there. No, no, sorry this one
8 here. Doesn't that's it. Both lines. Sorry.

9 BY MR. HERNSTADT:

10 Q. Do you see where she says, "Doesn't need disc. action, not
11 accusing of SH"?

12 A. Yes.

13 Q. Is this the student saying that she doesn't need a
14 discrimination action because she's not accusing Professor
15 Bekaert of sexual harassment?

16 A. I believe it would be doesn't need disciplinary action.

17 Q. Disciplinary action. Sorry.

18 A. And she was not accusing him of sexual harassment.

19 Q. Right above that there's a quote, "HK where the ladies are
20 nice."

21 This is what she said about -- that Professor Bekaert
22 said in class, is that correct?

23 A. Yes. That was the alleged comment.

24 Q. And she didn't say anything about that he licked his lips,
25 is that correct?

I7gnrav7

Dunn - Redirect

1 A. Yes, that's correct.

2 Q. And then, looking on the third page at the top of the page,
3 the first two lines, this is the student saying to you that --
4 is that sex comments? Is that short for comments?

5 A. Yes, it is.

6 Q. Had no impact on environment, never felt uncomfortable,
7 because of the comments?

8 A. Yes.

9 MR. HERNSTADT: I have nothing further, your Honor.

10 THE COURT: All right.

11 Thank you, Mr. Dunn.

12 REDIRECT EXAMINATION

13 BY MS. HARWIN:

14 Q. Director Dunn, you testified that you had multiple meetings
15 with Professor Ravina, correct?

16 A. Yes.

17 Q. One of those meetings was on August 12, 2014, correct?

18 A. Yes.

19 Q. You had only one other meeting with Professor Ravina,
20 correct?

21 A. Yes.

22 Q. That meeting was on November 12, 2014?

23 A. Yes.

24 Q. Three months after you first met with her, correct?

25 A. Yes, that's correct.

I7gnrav7

Dunn - Redirect

1 Q. And five days before you ended your investigation, correct?

2 A. Yes, that's correct.

3 Q. And the second time you met with Professor Ravina that was
4 already after you had started to draft your report, correct?

5 A. Yes, that's correct.

6 Q. You testified about receiving e-mails from Professor Ravina
7 on or around August 14, 2014, correct?

8 A. Yes, that's correct.

9 Q. You testified there were about 170 pages of e-mails?

10 A. Yes, that's correct.

11 Q. And you testified that you formulated impressions of
12 Professor Ravina's case based on reviewing those e-mails,
13 correct?

14 A. Yes, that's correct.

15 Q. You never reached out to Professor Ravina to discuss those
16 e-mails, correct?

17 A. Yes, that's correct.

18 Q. You never spoke to her about your impressions of those
19 e-mails, correct?

20 A. Yes, that's correct.

21 Q. You subsequently received e-mails from Professor Bekaert,
22 correct?

23 A. Yes, that's correct.

24 Q. And you told Professor Bekaert that Professor Ravina had
25 provided e-mails to you, correct?

I7gnrav7

Dunn - Redirect

1 A. I don't recall.

2 Q. In an e-mail Professor Bekaert sent to you he referenced
3 e-mails that you had received from Professor Ravina, correct?

4 A. I don't recall.

5 Q. The e-mails that you received from Professor Bekaert were
6 cut and pasted into some kind of document?

7 A. Yes, they were, presumably.

8 Q. And you didn't verify the accuracy or completeness of the
9 documents he provided to you, correct?

10 A. Well, I asked Professor Ravina about them.

11 Q. Your testimony is that you asked Professor Ravina about the
12 documents that Professor Bekaert provided?

13 A. Yes. I asked her about a number of the issues that had
14 been raised in the documents that I received from Professor
15 Bekaert.

16 Q. But you didn't show any of the e-mails to Professor Ravina,
17 correct?

18 A. Yes, that's correct.

19 Q. So you never verified the accuracy or completeness of those
20 e-mails with Professor Ravina, correct?

21 A. I disagree with that for the reasons I just stated.

22 Q. You never showed her the e-mails that Professor Bekaert
23 gave you, correct?

24 A. That's correct.

25 Q. Many of the allegations that Professor Ravina made included

I7gnrav7

Dunn - Redirect

1 allegations regarding things that occurred in person, correct?

2 A. Yes, that's correct.

3 Q. You don't have a clear independent recollection of what
4 Professor Ravina said to you during your meetings with her
5 apart from what's written in your notes, correct?

6 A. Today, four years later, no, I do not.

7 Q. You received e-mails from Professor Ravina on or around
8 August 14, 2014?

9 A. Yes.

10 Q. You subsequently received e-mails from Professor Bekaert,
11 correct?

12 A. Yes, that's correct.

13 Q. And you subsequently met with Professor Bekaert after
14 meeting with Ms. Ravina on September 19, on September 24, and
15 you had another discussion with him on November 11, is that
16 correct?

17 A. I believe so, yes.

18 Q. You had a meeting with Professor Bekaert on October 28,
19 2014?

20 A. I believe so, yes.

21 Q. And you don't have any records of what you discussed with
22 Professor Bekaert on October 28, 2014, correct?

23 A. I have no separate notes from that conversation.

24 Q. So there's no record of what you discussed with Professor
25 Bekaert on October 28, 2014, correct?

I7gnrav7

Dunn - Redirect

1 A. Yes, that's correct.

2 Q. Professor Bekaert told you at some point that he had never
3 initiated any dinner with Professor Ravina, correct?

4 A. I don't recall if he said he had never initiated a dinner.
5 I don't recall. I'm sorry. He --

6 MS. HARWIN: Can we bring up Plaintiff's Exhibit 77.
7 Can we turn to page 2.

8 BY MS. HARWIN:

9 Q. Turning to line 5, on page 2 of your notes, it says,
10 "Dinners mostly came from her, GB never initiated."

11 Did I read that correctly?

12 A. Yes, you did.

13 Q. Professor Bekaert claimed to you he never initiated dinners
14 with Professor Ravina?

15 A. Yes, he did.

16 Q. You subsequently received information that contradicted
17 what Professor Bekaert had claimed to you, correct?

18 A. I don't think that's really a yes-or-no question, because
19 the sentence above, "GB never initiated says dinners mostly
20 came from her," which implies that some dinners did come from
21 him.

22 Q. Let me clarify.

23 You wrote, "GB," Geert Bekaert, "never initiated,"
24 correct?

25 A. Yes.

I7gnrav7

Dunn - Redirect

1 Q. In the course of your investigation, you learned he did
2 initiate dinners, correct?

3 A. Yes.

4 Q. And he did initiate coffees with Professor Ravina, correct?

5 A. I believe so, yes.

6 Q. Professor Bekaert initially claimed to you, as reflected in
7 your interview notes, that the mug in his office came from
8 friends?

9 A. Yes, I believe so.

10 Q. And Professor Bekaert subsequently told you that the mug
11 came from his mother-in-law, correct?

12 A. Yes, he did.

13 Q. As part your outcome letter you concluded that that mug was
14 inappropriate for the workplace, right?

15 A. Right.

16 Q. But you didn't issue any kind of directive requiring
17 Professor Bekaert to remove it from his office, correct?

18 A. Correct.

19 Q. When you first met with Professor Ravina on August 12,
20 2014, you didn't prepare any kind of list of questions or
21 document to guide your interview with her, correct?

22 A. Correct.

23 Q. You did prepare a list of questions to meet with Professor
24 Bekaert, correct?

25 A. Yes, that's correct.

I7gnrav7

Dunn - Redirect

1 Q. By the time you met with Professor Ravina again in November
2 of 2014, November 12, 2014, you had decided that the issues of
3 research stalling that she had brought up with you were not
4 issues that required further attention from you, correct?

5 A. I'm not sure. Can you point me to a place where I
6 indicated that.

7 Q. By the time you had your second interview with Professor
8 Ravina you had decided that the issue of Professor Bekaert's
9 blocking Professor Ravina's research was not something you
10 needed to address further, is that correct?

11 A. I guess I repeat -- is that coming from a statement I made?
12 It would just be really helpful for me to know where you're
13 drawing that from.

14 Q. Let me call your attention to your deposition testimony.
15 When you were deposed in this matter on page 228, I asked the
16 question:

17 "Q. As to your second meeting with Professor Ravina, why
18 didn't your agenda include questioning Ms. Ravina about her
19 concerns about Professor Bekaert intentionally delaying
20 progress on her paper?"

21 You answered: "At that time I had, I had determined
22 that this -- that that was not an issue that we needed to
23 address further."

24 Correct?

25 A. I don't mean to be difficult. It's just what you are

I7gnrav7

Dunn - Redirect

1 showing me now is a question about whether she was experiencing
2 retaliation, and your characterizing it as delaying the paper.
3 So I'm just not totally clear what we're talking about.

4 MS. FISCHER: Can we have the page and line that's
5 being referenced, please.

6 MS. HARWIN: Sure. 228.

7 Let me withdraw that question.

8 BY MS. HARWIN:

9 Q. As part of your investigation, you investigated whether
10 Professor Bekaert had engaged in sexual harassment in violation
11 of Columbia's policies, correct?

12 A. Yes, that's correct.

13 Q. You did not investigate whether any administrators at
14 Columbia Business School had failed to satisfy their duties
15 under Columbia's policies concerning discrimination,
16 harassment, or retaliation, correct?

17 A. Yes, that's correct.

18 Q. I would like to bring up Defendants' Exhibit FI.

19 These are the notes from your conversation with Senior
20 Vice Dean Katherine Phillips?

21 A. That's correct.

22 Q. You wrote, "GB insisted on going for dinner. She felt
23 uncomfortable like he wanted more."

24 Did I read that correctly?

25 A. Yes, you did.

I7gnrav7

Dunn - Redirect

1 Q. She said, "We're not friends. She tried to avoid him. He
2 asked her for dinner. He wanted more than that."

3 Did I read that correctly?

4 A. Yes.

5 Q. Let me continue on.

6 "She said there are more e-mails, KP didn't ask for
7 them."

8 KP refers to Katherine Phillips?

9 A. Yes, that's correct.

10 MS. HARWIN: I would like to bring up Exhibit 80.

11 Q. These are your notes from your conversation with Janet
12 Horan on September 24, 2014?

13 A. Yes, that's correct.

14 Q. OK. Turning towards the bottom, where you write about
15 Professor Bekaert, you wrote, "He was annoyed this is still
16 going on, said he met with me, denied sexual harassment."

17 Did I read that correctly?

18 A. Yes.

19 Q. Then you wrote, "GH," referring to Glenn Hubbard?

20 A. Yes.

21 Q. You wrote, "Power issue here, appears you're preventing her
22 getting papers done."

23 Correct?

24 A. Yes, that's correct.

25 Q. You wrote below, "He got really upset," correct?

I7gnrav7

Dunn - Redirect

1 A. Correct.

2 Q. And after that Professor Bekaert wrote, "Going back to see
3 MKD."

4 MS. FISCHER: Objection.

5 MS. HARWIN: I'm sorry.

6 Let me restate that.

7 BY MS. HARWIN:

8 Q. After that you wrote, "Going back to see MKD," correct?

9 A. Yes, that's correct.

10 Q. That was a reference to Professor Bekaert going back to see
11 you?

12 A. Yes, that's correct.

13 Q. Prior to finalizing your outcome letter in this case, you
14 reached out to the dean's office of Columbia Business School
15 for Professor Ravina's faculty activity reports, correct?

16 A. Yes, I did.

17 Q. You didn't tell Professor Ravina that you had sought out
18 her faculty activity reports, correct?

19 A. I believe that is correct, yes.

20 Q. Under Columbia's policies against discrimination,
21 harassment, or retaliation an individual is entitled to be free
22 of discrimination, harassment, or retaliation regardless of her
23 progress along the tenure track, correct?

24 A. Yes, that's correct.

25 Q. Under Columbia's policies an individual doesn't need to use

I7gnrav7

Dunn - Redirect

1 the words gender discrimination to trigger an investigation
2 into gender discrimination, correct?

3 A. Yes, that's correct.

4 Q. Under Columbia's policies an individual doesn't need to use
5 the word discriminatory harassment to trigger an investigation
6 into discriminatory harassment, correct?

7 A. Yes, that's correct.

8 Q. An individual doesn't need to use the word sexual
9 harassment to trigger an investigation into sexual harassment,
10 correct?

11 A. Yes, under our policies that's correct.

12 Q. And an individual doesn't need to use the word retaliation
13 to trigger an investigation into retaliation, correct?

14 A. Yes, that's correct.

15 Q. Professor Bekaert shared with you e-mails in which he
16 discussed Professor Ravina completing other work separate and
17 apart from their research project, correct?

18 A. Yes, that's correct.

19 Q. But you didn't show those e-mails to Professor Ravina and
20 talk to her about them, correct?

21 A. No, I don't believe so.

22 Q. In your meetings with Professor Ravina she talked about
23 Professor Bekaert stalling the research to that day, correct?

24 A. Yes, I believe so.

25 Q. She talked about Professor Bekaert muddying the waters with

I7gnrav7

Dunn - Redirect

1 respect to their research, correct?

2 A. I believe she did use that phrase, although I am not sure
3 when or where.

4 MS. HARWIN: Let's bring up Exhibit 87.

5 Can we go towards the end of that exhibit.

6 BY MS. HARWIN:

7 Q. Looking at the bottom of page 4, do you see where you
8 wrote, "He's been stalling to this day." Correct?

9 A. Correct.

10 Q. Looking at the line below, "He's trying to muddy water."
11 Correct?

12 A. Correct.

13 Q. Looking at the line below, "saying things aren't correct."

14 Did I read that correctly?

15 A. Yes, you did.

16 Q. Then lower down it says, "Don't know if GB spoke badly
17 retal. to other colleagues." Correct?

18 A. Correct.

19 Q. This was the second meeting at which Professor Ravina had
20 expressed concern to you about retaliation, correct?

21 A. Correct.

22 MS. HARWIN: I would like to bring up Exhibit 77.

23 Q. During one of your meetings with Professor Bekaert, he
24 indicated that Professor Ravina should have brought her
25 concerns to him, and they could discuss it over coffee?

I7gnrav7

Dunn - Redirect

1 A. Yes, that's correct.

2 Q. Under Columbia's policies someone who has experienced
3 discrimination or harassment or retaliation is not obligated to
4 confront directly the person who has discriminated against,
5 harassed, or retaliated against her, correct?

6 A. Yes, that's correct.

7 MS. HARWIN: I'd like to bring up Plaintiff's Exhibit
8 17. If we could turn a few pages along to the next page. OK.

9 BY MS. HARWIN:

10 Q. It says at the top of that page, "Under no circumstances
11 should an individual feel pressured to address the alleged
12 offender or directly handle the matter alone, and a decision
13 not to confront a person she or he believes to be
14 discriminatory or harassing will not be viewed negatively."

15 Did I read that correctly?

16 A. Yes, you did.

17 Q. And that was Columbia's policy, is that correct?

18 A. Yes, that's correct.

19 Q. Director Dunn, relationships change over time, correct?

20 A. Yes, that's correct.

21 Q. Professor Ravina alleged that Professor Bekaert's
22 interactions with her had changed over time, correct?

23 A. I am not sure without a document in front of me that I can
24 say with confidence that she said it changed over time or
25 whether it was always bad.

I7gnrav7

Dunn - Redirect

1 Q. And how the interactions with Professor Bekaert had changed
2 over time was not a question that you investigated as part of
3 your investigation, correct?

4 A. Yes, that's correct.

5 MS. HARWIN: I'd like to refer back to Plaintiff's
6 Exhibit 37.

7 Q. Was it your testimony that the reason for the limited
8 investigation into this allegation had to do with protecting
9 the privacy of the student who complained?

10 A. I believe so.

11 MS. HARWIN: Let's continue scrolling down in this
12 document on to the next page, if we could.

13 Q. In your report, you talk about what the student said,
14 correct?

15 A. Correct.

16 Q. You said the student said that she or he -- that he or she
17 found this comment off-putting, correct?

18 A. Correct.

19 Q. And in the next paragraph you talk about Professor
20 Bekaert's suspicions of who filed this complaint against him,
21 correct?

22 A. Correct.

23 Q. You said, "In an interview with me you said you suspected
24 that this report was filed by a student with whom you had a
25 conflict over the class grading policy." Correct?

I7gnrav7

Dunn - Redirect

1 A. Correct.

2 Q. And in the second-to-last paragraph, you note specifically
3 Professor Bekaert's belief in the identification of the
4 complaining student, correct?

5 A. Correct.

6 Q. You talked before about Professor Ravina firing a research
7 assistant who had been supporting the project with Professor
8 Bekaert and Professor Ravina?

9 A. Yes.

10 Q. And that factored into your conclusions, the firing of this
11 research assistant?

12 A. It was an important fact to understand why a certain
13 project was not making progress, yes.

14 Q. You said that this research assistant had been supporting
15 the project with Professor Ravina and Professor Bekaert?

16 A. I believe I said that, yes.

17 Q. In fact, the research assistant who was let go had never
18 worked with them on the project, correct?

19 A. I'm not sure.

20 Q. The research assistant actually had never begun doing
21 anything on this project, correct?

22 A. I'm not sure without a document in front of me.

23 Q. Sitting here today, you don't know whether this research
24 assistant who was let go was or was not involved in supporting
25 the project at the time he was released, correct?

I7gnrav7

Dunn - Redirect

1 A. As I recall Professor Ravina's e-mail to the research
2 assistant I believe that research assistant was prepared to
3 begin work on this project, perhaps they had not. I don't
4 recall.

5 Q. Your office at Columbia was located in Low Library?

6 A. Yes, it was.

7 Q. That is also where the provost of Columbia University is
8 located?

9 A. Yes, it is.

10 Q. That is also where the president of Columbia University is
11 located?

12 A. Yes, it is.

13 Q. You reviewed notes that you took listing that Janet Horan
14 reminded of the power imbalance, correct?

15 A. I don't recall without the document in front of me.

16 Q. Turning to Exhibit 55, the top of that e-mail said, "JH
17 reminded of power imbalance." Correct?

18 A. That is correct.

19 Q. We also reviewed your notes from your conversation with
20 Janet Horan from September 24, 2014, correct?

21 A. Yes, we did.

22 Q. I believe that's Exhibit 80. Those notes, they refer to
23 Glenn Hubbard saying, "power issue here, appears you're
24 preventing her getting papers done." Correct?

25 A. Correct.

I7gnrav7

Dunn - Redirect

1 Q. And Professor Ravina explained to you that Professor
2 Bekaert was her senior professor, her senior coauthor, her
3 mentor, correct?

4 A. Correct.

5 Q. But you concluded there was no power imbalance as between
6 Professor Bekaert and Professor Ravina, correct?

7 A. No, that's not correct.

8 Q. You concluded that the power imbalance between them was not
9 relevant in this case, correct?

10 A. No, that's not correct.

11 Q. You testified that there did not seem to be a power
12 imbalance, correct?

13 A. Can you say more about how I testified. More context might
14 be really helpful to help me answer that.

15 MS. HARWIN: So, can we bring up Mr. Dunn's testimony
16 at page 147?

17 Can we go up to page 46 as well.

18 MS. FISCHER: Can you just give us the line.

19 THE COURT: The line, please.

20 BY MS. HARWIN:

21 Q. If you could refer your attention, Director Dunn, to page
22 146 at line 14 and continue reading until 147 at line 11 to
23 refresh your recollection. Then I'm going to ask you a
24 question.

25 A. Thank you.

I7gnrav7

Dunn - Redirect

1 Q. OK. You testified there did not seem to be a power
2 imbalance, correct?

3 A. Yes, in the respect that I described in the deposition
4 here.

5 Q. You reviewed their e-mail exchanges and you concluded there
6 didn't seem to be a power imbalance, correct?

7 A. Yes.

8 Q. When you were examining the relationship between Professor
9 Bekaert and Professor Ravina, you further testified, "The
10 alleged power imbalance that, whatever we're talking about here
11 was not relevant to that." Correct?

12 A. Again, could you show me where I stated that?

13 MS. HARWIN: Can we bring up the page we were just
14 looking at a moment ago.

15 If we go back to 146 at the top.

16 Could you review from line 2 down to line 13 and then
17 I will ask you a question when you are done reviewing.

18 MR. HERNSTADT: Can we get the page before so we can
19 see the question, please.

20 MS. HARWIN: The question is at the top of page 146.

21 MR. HERNSTADT: I don't see a Q. I'm sorry.

22 THE COURT: You are not showing this to the jury.

23 JUROR: It is on our screens.

24 THE COURT: OK. It shouldn't be.

25 THE WITNESS: OK. Thank you.

I7gnrav7

Dunn - Redirect

1 BY MS. HARWIN:

2 Q. So, in looking at the interactions between Professor
3 Bekaert and Professor Ravina, you concluded that the alleged
4 power imbalance was not relevant to that, correct?

5 A. Not in the context of their mutually flirtatious
6 relationship, no.

7 Q. Professor Bekaert characterized the relationship as
8 mutually flirtatious, correct?

9 A. I believe so.

10 Q. And you subsequently characterized the relationship as
11 mutually flirtatious, correct?

12 A. Yes.

13 Q. Professor Bekaert said that he had tried to encourage
14 Professor Ravina's other work, correct?

15 A. Yes, that's correct.

16 Q. And you subsequently concluded that Professor Bekaert had
17 tried to encourage Professor Ravina's other work, correct?

18 A. Yes, that's correct.

19 THE COURT: Just to be clear, we only have a few more
20 minutes with this witness, so I am just going to ask you to try
21 to wrap up.

22 MS. HARWIN: Give me one moment, your Honor.

23 THE COURT: Sure.

24 BY MS. HARWIN:

25 Q. You spoke to several Columbia administrators about

I7gnrav7

Dunn - Redirect

1 Professor Ravina's situation, correct?

2 A. Yes, that's correct.

3 Q. When you spoke to them, those weren't what you considered
4 investigative interviews, correct?

5 A. Yes, that's correct.

6 Q. It was your perception that Columbia Business School was
7 handling the situation with Professor Ravina in some respects,
8 correct?

9 A. Yes, that's correct.

10 Q. We reviewed a document that was provided to you by Laura
11 Lee, one of the two e-mails that she forwarded to you, and in
12 that e-mail Professor Ravina asked -- and this is Defendants'
13 Exhibit EH -- in that Professor Ravina asked, "Since we are
14 meeting so far into the future, can we implement some of the
15 measures we discussed in advance of the meeting." Correct?

16 A. That is correct.

17 Q. But you are not aware of whether any of those measures were
18 actually implemented in advance of the next meeting, correct?

19 A. That is correct. Actually, I would amend that to say I
20 think in some of my notes with Janet Horan and Kathy Phillips
21 over time that we did talk about the meetings that were taking
22 place with the parties, so I may have received updates on those
23 things then.

24 Q. So there was another meeting held on September 16, 2014,
25 correct?

I7gnrav7

Dunn - Redirect

1 A. A meeting among whom?

2 Q. There was another meeting between Professor Ravina, Dean
3 Hubbard, Vice Dean Horan, Professor Suzanne Goldberg on
4 September 16, 2014, correct?

5 A. I believe so, yes.

6 Q. As far as you know, at that time none of the interim
7 measures that Professor Ravina requested had been implemented,
8 correct?

9 A. I don't know.

10 Q. You talked about the business school being involved in
11 resolving issues concerning authorship of papers, correct?

12 A. Yes, that's correct.

13 Q. At the time you concluded your investigation, those issues
14 of authorship were unresolved, correct?

15 A. I believe that's correct, yes.

16 Q. And at the time the appeal letter issued from Professor
17 Ravina's appeal, those issues were still unresolved, correct?

18 A. I don't know.

19 Q. Your investigation ended on November 17, 2014, correct?

20 A. That's correct.

21 Q. Were you subsequently informed by Melissa Rooker or anyone
22 else that Professor Ravina had subsequently reported ongoing
23 retaliation?

24 A. I've seen information to that effect through this
25 litigation process, but I don't recall if I was aware back

I7gnrav7

Dunn - Redirect

1 then.

2 Q. You conducted only one investigation concerning Professor
3 Ravina, correct?

4 A. That is correct.

5 Q. You never initiated any other investigation into any of the
6 concerns that she raised subsequent to your outcome letter,
7 correct?

8 A. That is correct.

9 MS. FISCHER: Objection.

10 THE COURT: What's the objection?

11 MS. FISCHER: It is repetitive.

12 THE COURT: I do think this is getting very
13 repetitive. I am going to overrule the objection, but we have
14 to wrap up.

15 MS. HARWIN: We are closing up, your Honor.

16 MR. HERNSTADT: Your Honor, I think we may also have
17 just a handful of questions.

18 THE COURT: OK. I understand. I want to make sure we
19 can let the jury go home.

20 BY MS. HARWIN:

21 Q. Mr. Dunn, you talked about the reasons you left Columbia.

22 You talked about some family reasons.

23 In addition to the family reasons why you left, other
24 reasons you left Columbia University were because the work in
25 EOAA was challenging and it was a stressful environment,

I7gnrav7

Dunn - Recross

1 correct?

2 A. I like challenging work. It's good to be challenged at
3 work. You know --

4 Q. Director Dunn --

5 A. Yeah.

6 Q. -- I just want to make sure I get a clear answer to the
7 question. The fact that the work was challenging was a reason
8 you left, correct?

9 A. I would not characterize it that way.

10 Q. But at deposition you did characterize it that way,
11 correct?

12 A. Perhaps I did.

13 Q. OK. At your deposition you testified that the fact that
14 the work in EOAA was challenging and it was a stressful
15 environment were factors in your decision to leave, correct?

16 A. Yes, they were factors.

17 MS. FISCHER: Can we have the page, please.

18 MS. HARWIN: I think he's answered the question, but
19 it's page 29.

20 Thank you.

21 MS. FISCHER: I will be very brief.

22 RECROSS EXAMINATION

23 BY MS. FISCHER:

24 Q. Mr. Dunn, you were asked about your preparation for your
25 interview of Professor Bekaert and why didn't you prepare a

I7gnrav7

Dunn - Recross

1 list of questions in preparation for your first interview with
2 Professor Ravina.

3 A. When I'm conducting a first interview with someone,
4 especially a complainant who is raising allegations of some
5 kind of discrimination or harassment, I want to be very open to
6 learn about whatever that person wants to share, and I don't
7 want to narrow the conversation or channel it in a way that
8 might exclude other things.

9 So I want to start with a very open-ended question
10 just to kind of find out whatever might be going on so that the
11 person can share with me whatever is happening.

12 And then, as the conversation continues, we can go
13 back and answer more specific questions about any details that
14 might have emerged. And I think you see that in the notes that
15 I took from that first meeting.

16 Q. Relatedly, why did you prepare a list of questions or
17 topics for subsequent interviews during your investigation?

18 A. Well, because in that first interview Professor Ravina set
19 the parameters for the investigation. She told me what the
20 allegations were, she told me what the violations were that she
21 had perceived. And so when I was meeting with Professor
22 Bekaert or anyone else, I wanted to make sure that I covered
23 all the ground that Professor Ravina had defined as the
24 possible violations.

25 MS. FISCHER: Thank you. That's all.

I7gnrav7

Dunn - Recross

1 THE COURT: Mr. Hernstadt.

2 MR. HERNSTADT: Thank you, your Honor.

3 RECROSS EXAMINATION

4 BY MR. HERNSTADT:

5 Q. Mr. Dunn, you recall being shown your notes, Exhibit 77,
6 where there were two lines on page 2, "Dinners mostly come from
7 her, GB never initiated."

8 Do you see that?

9 A. Yes.

10 Q. You subsequently learned that he did initiate some dinners,
11 correct?

12 A. Yes, that's correct.

13 Q. And that was in e-mails provided to you by Professor
14 Bekaert, right?

15 A. Yes, that's correct.

16 Q. You were also asked about the mug, and we saw in your notes
17 that the comment that he said his friends gave it to him and
18 then in an e-mail a story about -- if we could look at IR, the
19 bottom of IR.

20 If you look at the bottom of the first paragraph, four
21 lines up, starting in the middle of the fourth line up, "It is
22 indeed a bizarre memento."

23 A. Yes.

24 Q. Do you see that?

25 The interview that you had with Professor Bekaert was

I7gnrav7

Dunn - Recross

1 on November 12, correct?

2 A. That's correct.

3 Q. And the date of this e-mail is November 12, right?

4 A. Correct.

5 Q. So the story in this e-mail is the same day that you
6 actually sat down and met with him, right?

7 A. Yes, that is correct.

8 Q. Last question, Mr. Dunn: Did you hold against Professor
9 Ravina her decision to go to EOAA rather than have a
10 conversation with Professor Bekaert?

11 A. No, I did not.

12 Q. And you were shown a section of a provision of the rules --
13 this is Exhibit 17 top of page 5 -- do you remember seeing at
14 the very top of the page under no circumstances should an
15 individual feel pressured?

16 A. Yes.

17 (Continued on next page)

18

19

20

21

22

23

24

25

I7g1rav8

1 BY MR. HERNSTADT:

2 Q. Do you see that that's the last section? We'll look at the
3 entire provision in the rules. It's under a section that's
4 entitled Self-Help. It says, "An individual who believes he or
5 she is the subject of discrimination or has been may choose to
6 deal with the alleged defender directly."

7 So this is the rest of the section that you were shown
8 by plaintiff's counsel?

9 A. Yes.

10 MR. HERNSTADT: I have no further questions, your
11 Honor.

12 THE COURT: Anything else?

13 MR. HERNSTADT: Thank you, Mr. Dunn.

14 MS. HARWIN: Just as a matter of housekeeping, your
15 Honor, we would move to admit Plaintiff's Exhibit 85.

16 THE COURT: Any objection to 85?

17 MS. FISCHER: No objection.

18 THE COURT: All right. 85 will be admitted.

19 (Plaintiff's Exhibit 85 received in evidence)

20 THE COURT: All right. Thank you. You may step down.

21 (Witness excused)

22 THE COURT: All right. Ladies and gentlemen, I think
23 this is a good time to adjourn for the day. Just remember,
24 don't discuss the case, don't research anything, and I'll see
25 you tomorrow morning. Have a nice night.

I7glrav8

1 (Jury not present)

2 THE COURT: Everyone can be seated.

3 So first I want to talk about the schedule. Tomorrow
4 I have a criminal proceeding, so we're going to stop a little
5 bit before 5, and then on Monday, we're only going to be
6 sitting in the afternoon, and so I just wanted to let you know
7 that now.

8 I am getting a little concerned about the pace of the
9 trial. As I stated at the beginning of the trial, I don't like
10 to set time limits because you all know who's most important,
11 but I think already we're seeing a lot of the same exhibits
12 over and over. I understand they're with different witnesses,
13 and again, I want to let you all try your cases, but I'm
14 getting concerned about timing. So I just wanted to let you
15 all know that and ask you to maybe impose time limits on
16 yourselves going forward.

17 I don't know what the timing estimate for the trial is
18 now. I don't know if you all have a better sense. Perhaps all
19 three of these witnesses are the lengthiest and so I need not
20 worry. But I just wanted to raise that concern generally. I
21 don't know if any of you have a better sense. Does plaintiff
22 still think you're going to rest tomorrow? Or Wednesday?

23 MR. SANFORD: I anticipate, your Honor, that we'll be
24 resting by close of business Wednesday.

25 THE COURT: Okay. All right. And from the

I7glrav8

1 defendants' perspective, do you have any sense of how long, if
2 that's the case, when your case will rest?

3 MS. PLEVAN: Well, I think there's a possibility of
4 Friday.

5 THE COURT: Okay. Good. All right. Good.

6 MS. PLEVAN: But I'm concerned that Mr. Sanford was a
7 little optimistic about Wednesday, because, I mean, we're
8 producing two of our witnesses for their case and we're going
9 to cross-examine them.

10 THE COURT: You're doing that tomorrow or Wednesday?

11 MS. PLEVAN: Well, I think we'll need to talk. I hope
12 they're both available Wednesday, but --

13 THE COURT: Okay.

14 MS. PLEVAN: Or at least one of them. But I
15 understand we're going to continue with Mr. Bekaert tomorrow
16 and then Mr. Hubbard. I have to be sure Mr. Brown is available
17 Wednesday.

18 THE COURT: Okay.

19 MS. PLEVAN: But, you know, we will be examining him
20 too, so --

21 THE COURT: All right. Just as much as we can move
22 things along. I mean, I'm saying it to everybody, not to
23 anyone individually. But as much as we can move things along,
24 recognize what the jury has already seen. I recognize that
25 there are situations where you need to raise the same exhibit

I7g1rav8

1 with numerous witnesses, but maybe we can speed that process a
2 little bit, because again, the jury has now seen a number of
3 the exhibits more than once.

4 So with that, let's see how things go tomorrow.

5 So I was thinking we could talk about the remaining
6 deposition designations. I think we have Katherine Phillips,
7 Janet Horan, and Stephen Zeldes left.

8 So why don't we turn to the Zeldes deposition. What
9 was his role with the university, and what role did he play
10 with respect to Professor Ravina's complaints?

11 MS. PLEVAN: Do you want me to address this?

12 THE COURT: Sure.

13 MS. PLEVAN: Well, Professor Zeldes served a term in a
14 position that rotates as chair of the division in which
15 Professor Ravina resided, so for a period of three years -- I'd
16 have to check starting exactly when -- he served in that role.

17 THE COURT: All right.

18 MR. MELZER: Your Honor, I'd like to clarify a little
19 bit about that role as the division chair.

20 What the testimony in this case will show, we believe,
21 is that as the division chair, he is under the university's
22 discrimination and harassment policies. He is considered the
23 supervisor of faculty in his department and has reporting and
24 EOAA responsibilities. As the division chair, he is also in
25 charge of implementing the tenure process in the division, and

I7g1rav8

1 in this particular case, he took upon it himself to help broker
2 what has been referred to as the research divorce, and he did
3 that with the approval, the knowledge and approval of the
4 dean's office. So he had an integral role at every stage of
5 this relationship, overseeing the tenure process and acting as
6 an intermediary in the dispute between Professor Ravina and
7 Professor Bekaert on behalf of the dean's office.

8 MS. PLEVAN: I don't agree with everything that's
9 being said. I don't know if it matters, but certainly with
10 respect to the tenure process, there were people above Mr. --
11 he was an implementer and a scheduler of meetings and so forth,
12 not a decision-maker on policy or interpretation.

13 THE COURT: All right. So why don't we go to the
14 particular designations to which there are objections.

15 So I think the first is on 88. This goes to the
16 question I've asked a number of times. Is it relevant what his
17 particular belief was? And why?

18 MR. MELZER: Yes, because he is the division chair.
19 Again, he has this role in the process where he is the
20 supervisor with EOAA responsibilities. He is mediating this
21 dispute. He's spoken to Ms. Ravina; Professor Ravina has
22 complained to him dozens of times about her situation, the
23 discrimination and retaliation and harassment that she's
24 alleging. He's also spoken to Professor Bekaert a number of
25 times. He's interacting with and coordinating with the dean's

I7g1rav8

1 office, so his impressions of what is going on go to the mental
2 state of the university and the university's alleged negligence
3 in responding to the situation.

4 THE COURT: All right. Does anyone want to respond?

5 MS. PLEVAN: Well, I don't think that's relevant to
6 the question that's here, and I don't think what -- certainly
7 on his role I've already commented, but it's certainly not
8 established in this record that he had the role that Mr. Melzer
9 was describing. But he's being asked here, you know, whether
10 he believed what she reported, and that's just not -- I mean,
11 that's lay opinion. It's not factual --

12 MR. MELZER: But if you look at --

13 MS. PLEVAN: -- testimony.

14 THE COURT: Please don't interrupt, Mr. Melzer.

15 MR. MELZER: I apologize, your Honor. I got ahead of
16 myself.

17 THE COURT: Ms. Plevan, is your answer complete?

18 MS. PLEVAN: I just say, I think he describes -- he
19 rambles on, it's not really responsive to the question, but he
20 is being asked an opinion, not for facts. He's not being
21 asked, what did she tell you or what did he tell you, so his
22 reaction to it is not relevant. I mean, it's not admissible as
23 an opinion.

24 MR. MELZER: Your Honor, I do think that he's talking
25 about his personal observations here as to how Bekaert acted,

I7g1rav8

1 as someone who was directly witnessing these interactions, and
2 Professor Zeldes will be called as a witness. They've
3 suggested that they may call him. And, you know, he can
4 clarify anything about that. But our reading of the testimony
5 is that he's talking about what he personally --

6 MS. PLEVAN: He is not being called.

7 THE COURT: Okay. He is not being called as a
8 witness.

9 MR. MELZER: So we do think he's talking about what he
10 personally witnessed and observed as the division chair who is
11 the supervisor of these individuals who his acting as a broker,
12 you know, directly involved with this situation. So, you know,
13 if he's observing Professor Bekaert being annoyed and upset and
14 angry, that's directly relevant to the allegations of
15 retaliation.

16 THE COURT: Did he relay his own personal views?
17 Because he says in this excerpt a number of times, "So this is
18 my own impression of things," just making it clear it was his
19 own opinion. I mean, did he relay that opinion? Did that
20 opinion play some role in the investigation?

21 Look, with respect to Mr. Dunn, obviously the way he
22 approached it affected the outcome of the investigation and
23 what happened, but with Zeldes, does it matter what he thinks
24 personally? I guess I'm sort of asking the same question
25 again. I apologize, but --

I7glrav8

1 MS. PLEVAN: Well, I don't think he was part of the
2 investigation, and there's certainly no evidence that he was
3 ever in contact with Mr. Dunn on this subject. I mean, he
4 wasn't, about the investigation.

5 THE COURT: Did he talk to anyone at Columbia who made
6 decisions about whether to extend the tenure vote or anything
7 else? Again, I'm trying to get a sense of, does it matter what
8 he thought, did he relay these views to anyone else who could
9 have affected what the university did?

10 MS. PLEVAN: I don't believe there's any indication
11 that he had any, and I don't believe he had any contact with
12 the provost's office concerning the leave request. I mean, he
13 in general had conversations with people -- I don't want to
14 misstate that -- at the business school from time to time. But
15 it would depend on the specifics.

16 MR. MELZER: I think there is testimony that he's in
17 regular contact with the dean's office about these matters, and
18 the dean's office has reporting obligations. As a supervisor
19 and the division chair, he has reporting obligations to the
20 EOAA, so what was said and what was not said is directly
21 relevant.

22 MS. PLEVAN: There's no date here either, so I don't
23 know what the -- I mean, this is supposed to be proffered on
24 notice or -- that's not the question. The question is, did he
25 believe her when she said certain things? That's the question.

I7g1rav8

1 And that's what he responds to. And there's no indication of
2 when this took place.

3 MR. MELZER: We also know that Professor Zeldes is a
4 person who's receiving the faculty objections about the tenure
5 vote and the process, that it was going forward prematurely,
6 and he is the one conveying, you know -- setting up the
7 meetings, trying to get people to go ahead and vote, and
8 scheduling those meetings on what we've argued is an
9 accelerated and premature basis. And he's doing that with
10 knowledge that is imputed to the university of this situation
11 that he is observing regarding Bekaert's behavior and
12 intentions.

13 THE COURT: All right. Let me just come back to --
14 I'm sorry.

15 MS. PLEVAN: Yeah, and I did want to be clear, because
16 I didn't say anything, I don't think, about the supervisor
17 issue. I'm not sure on what basis the argument is being made
18 that he's her supervisor. I mean, he can't hire, fire, do any
19 of the other things that a supervisor normally can do. He's in
20 a quasi-administrative role that rotates through the
21 department, and he gets the right to schedule and talk to
22 people and things like that.

23 MR. MELZER: We have entered into evidence Plaintiff's
24 Exhibit 17, which says that department chairs and people in
25 similar positions are considered supervisory or managerial

I7g1rav8

1 personnel in relation to the faculty in their department.
2 Provost Rooker was questioned on that policy and appeared to
3 confirm that division chairs are supervisors of faculty in
4 their division.

5 MS. PLEVAN: My recollection is that -- and we'll dig
6 it out tonight if we need to -- that the testimony is to the
7 contrary. I don't recall about -- I mean, Ms. Rooker, she's an
8 investigative person. She wouldn't have knowledge. But other
9 people have testified that the term "department chair" in the
10 policy means the department of history of Columbia University
11 and it doesn't mean division chair, which is a lower position.

12 THE COURT: I'm going to think about that. I'll let
13 you know, I promise, shortly, but I don't want to keep you
14 here. So let's just proceed and I will let you know that
15 shortly.

16 So I think the next objection is on 113, line 3, is
17 that right?

18 MR. MELZER: Yes, that's right, and that actually --

19 MS. PLEVAN: 113?

20 THE COURT: 113, at line 3, is that right?

21 MR. MELZER: Yes, and that actually refers to some of
22 the testimony of Director Dunn today. In his outcome letter,
23 which was sent to -- Division Chair Zeldes received the outcome
24 letter. In it, as was testified to today, Director Dunn didn't
25 acknowledge the power imbalance or the imbalance between a

I7glrav8

1 junior female and a senior male. Professor Zeldes, in this
2 role that we've discussed, saw that as a blind spot in the
3 investigation outcome, a blind spot or deficiency, the failure
4 to recognize this imbalance and this power dynamic, and
5 Professor Zeldes in fact testified that Dean Hubbard agreed
6 with him on that point. So the administration is perceiving a
7 blind spot or deficiency in the outcome of the EOAA
8 investigation, but they don't do anything about it, so we think
9 that is highly relevant to the state of mind of the university
10 and the alleged negligence in this case.

11 MS. PLEVAN: There's no foundation for Mr. Zeldes to
12 have any knowledge of the investigation. He didn't. I mean,
13 he read -- he was copied on the outcome letter. So for him to
14 be asked what was his understanding about the role the office
15 played, I mean, he has no basis for it. He was not involved in
16 it at all. What his reaction is is not relevant.

17 MR. MELZER: We're not entering this for his
18 understanding of the role, of the role that the EOAA office
19 played. But as the division chair, directly involved in these
20 proceedings and interacting closely with the parties and with
21 the dean's office, a division chair is aware that there is a
22 power imbalance between junior and senior faculty who are
23 working together, and he observed, like I said, a blind spot in
24 the outcome of the investigation, the failure to recognize
25 that, and importantly, he testified -- I don't know if it's

I7g1rav8

1 here but it's a couple pages later in the transcript -- that
2 Dean Hubbard agreed with him. And we think that's very
3 important.

4 THE COURT: All right. That as well I will let you
5 know shortly, no later than tomorrow morning, because I know
6 you have to get these in order.

7 Let's look at 147.

8 MR. MELZER: So this again goes to notice to the
9 university as to what concerns the faculty members had, and
10 it's a party admission. It's the university and the faculty
11 were trying to convince Professor Bekaert to move forward on
12 the research on the one hand, move faster, but also on the
13 other hand to back off some of the projects and let Ravina take
14 them over. This was something that the administration and
15 Zeldes agreed with and were behind, but, you know, again, the
16 evidence will show that they did not successfully implement
17 that.

18 MS. PLEVAN: Your Honor, this to me is a lot like the
19 petitions.

20 THE COURT: Yes, same issue, I think.

21 MS. PLEVAN: It's a similar type of event, and these
22 people who he is referring to who raised comments or made
23 comments are not here to be cross-examined, so I think it's
24 clear hearsay.

25 MR. MELZER: Like the petitions, we believe it is

I7g1rav8

1 relevant to notice to the university, and I think there is --

2 MS. PLEVAN: Notice of what? I don't even understand
3 what notice.

4 MR. MELZER: To the university about the concerns that
5 the faculty had, and in fact, he's talking about "we." So he's
6 including himself in this.

7 THE COURT: Well, there are different lines that say
8 different things.

9 So I am approaching this much the same way that I
10 approached the petitions, which is out of a concern about the
11 hearsay of the people who can't be cross-examined here and a
12 concern about the prejudice as a result. But the question at
13 the meeting attended with a group of senior faculty members at
14 Columbia, what concerns did those faculty members raise --

15 MS. PLEVAN: Who would not themselves have firsthand
16 knowledge, your Honor. I mean --

17 THE COURT: Well, I do think it's relevant that there
18 was a meeting attended with a group of senior faculty members.
19 Is that coming in through a different designation that I'm not
20 seeing?

21 MS. PLEVAN: Well, it's going to come in in live
22 testimony.

23 THE COURT: It's going to come in through Bolton.

24 MS. PLEVAN: I mean, there are witnesses who were
25 there who will testify.

I7g1rav8

1 THE COURT: So I'll allow the first portion of the
2 line, "They raised the concerns that we had a junior faculty
3 member who they felt was not able to get her research done in
4 an effective way," period. I think we should take out, because
5 I think it's unduly prejudicial, "in part because of Geert's
6 unwillingness to move quickly and move it forward, and so there
7 was a general sense of trying to encourage him to back off.
8 And that he wasn't backing off."

9 Is there anyone else who's at that meeting who's going
10 to testify? Was Professor Bolton at this same meeting?

11 MS. PLEVAN: I don't know if Professor Bolton was
12 there. He wasn't deposed. But Dean Hubbard was there and he's
13 going to testify.

14 THE COURT: Okay. Dean Hubbard was there. Okay. So
15 he can be asked about the meeting.

16 Yeah, I also am uncomfortable in the way in which he's
17 speaking for others. So I'll just allow in that portion that,
18 "They raised concerns that we had a junior faculty member who
19 they felt was not able to get her research done in an effective
20 way." And we can leave out the rest.

21 And then the next disputed excerpt I think is on 235.
22 So he's reading an email exchange and asking if it refreshes
23 his recollection as to any communications he had with Wei
24 Jiang. And he says, "Yes, but I still don't remember exactly
25 what conversation pursued." And then the question is, "Why did

I7g1rav8

1 she have that question about whether the reading committee
2 should do something different?" I don't think it should come
3 in, his interpretation of why someone had a question. So I
4 don't think that should come in, because he doesn't have any
5 personal knowledge. He's just relaying, he's speculating.

6 MR. MELZER: I think he's talking about what she told
7 him, so he starts out by having a general sense of what was
8 discussed and what he remembers and then gets into what she was
9 expressing.

10 THE COURT: Is Wei Jiang testifying?

11 MS. PLEVAN: Yes, he is.

12 MR. MELZER: Yes, he is.

13 THE COURT: Then we don't need to get into -- I mean,
14 he also doesn't even remember exactly what was said. I don't
15 think this is especially reliable. And then he's relaying why
16 someone else had a question. So I don't think 235 and 236
17 should come in.

18 I think the next question is on 241.

19 MR. MELZER: In particular, what is relevant here is
20 that Wei Jiang is --

21 THE COURT: We're past that. We're on 241 now.

22 So 241, the question is, "Is one of the things that is
23 evaluated in tenure vote the academic promise of the tenure
24 candidate?" What's the problem with this, with his take on
25 what's considered in the tenure vote?

I7g1rav8

1 MS. PLEVAN: I think it's the rest of it, your Honor,
2 probably not that first question. Because that first question
3 I think is probably fine. But after that, it's really getting
4 into other people's heads.

5 MR. MELZER: He's exactly the person to speak on this,
6 your Honor. He is the person who runs the tenure vote meeting,
7 he's in charge of implementing the tenure proceedings and
8 telling people what they should be considering. This is --
9 he's the guy.

10 MS. PLEVAN: But was it important to whom? He doesn't
11 say. What does that mean, was it important? And it's just,
12 you know, beyond the scope of his personal knowledge.
13 Everybody votes, but he can't get inside their heads.

14 MR. MELZER: He doesn't need to. He is running this
15 process and setting forth the ground rules as to what's
16 important and what should be considered. He's conveying them
17 from what he hears from the dean's office.

18 MS. PLEVAN: There's no evidence that the division
19 chair has any authority to determine what people consider or
20 not consider. He schedules the meetings. That's what the
21 evidence will show.

22 MR. MELZER: And he also runs the meeting itself.

23 THE COURT: I'm going to let you --

24 MR. MELZER: He provides instruction.

25 THE COURT: I'm going to let this in. I mean, if you

I7glrav8

1 want to have someone else like Dean Hubbard talk about who had
2 what role, that's of course fine, including Zeldes, so it's
3 sort of clear the limitations of his authority, but --

4 MS. PLEVAN: Well, your Honor, the material on
5 page 243, there is no basis or foundation for his -- he talks
6 about, "My own take was." He only knows what he's heard from
7 other people, that part of it. The question beginning 243,
8 line 3 through -- well, and then the last one, is something
9 possible, he says it's possible. I mean, that's speculation.
10 But the material from 243, line 3 through line 22, there's no
11 basis for his making that statement. There's no foundation for
12 his having personal knowledge. What he knows is what he's
13 heard from Professor Ravina and perhaps from Professor Bekaert,
14 but he doesn't know.

15 MR. MELZER: I think what is relevant here is that
16 people from the dean's office, Dean Hubbard and Senior Vice
17 Dean Phillips, are instructing the faculty on what the
18 considerations will be and how they're limited in what
19 considerations that there can be and that those considerations
20 are limited to the current record of research, teaching, and
21 service. He has a contrary point of view. He disagrees with
22 what they're saying.

23 THE COURT: Okay. I'm going to allow it in up to 243,
24 line 22. I'm not going to allow in what was possible and what
25 was not possible, but I'm going to allow in 241, line 23

I7g1rav8

1 through 243, line 22.

2 And then I think the next disputed excerpt is at 294.
3 I disagree that this isn't relevant. I think I've ruled on the
4 relevance of the tenure vote, so 294 is coming in.

5 And then we can look at 312. Is the objection on 312
6 privilege?

7 MR. MELZER: There is no specific reference here to
8 the content of any communications. All it says is, after
9 discussion with counsel, something happened.

10 THE COURT: I'm actually looking at 312. So just walk
11 me through 312. The section I thought was disputed is line 24.
12 "Why was Professor Bekaert included on the emailed invitations
13 to Ms. Ravina's tenure vote?"

14 "Well, that was after discussion, after discussion
15 with counsel. After discussion with counsel, a decision was
16 made that Professor Bekaert should be included."

17 MR. MELZER: So the normal process is that everybody
18 is on and a specific decision was made not to take him off, and
19 we think that's relevant that the university is sending
20 Professor Bekaert invitations and schedules about the vote,
21 that they're sending him Professor Ravina's tenure materials.

22 THE COURT: It's after counsel. I mean, it directly
23 says "after discussion with counsel." How is that not
24 privileged?

25 MR. MELZER: Because there's no specific reference

I7glrav8

1 about any kind of communications with counsel or what those
2 communications are. It just --

3 THE COURT: It's a direct reference.

4 MR. MELZER: It's just timing.

5 THE COURT: The direct reference is page 313, line 7
6 and then again, line 8. I don't know what you mean there's no
7 direct reference.

8 MR. MELZER: We would be willing to redact that
9 portion about a discussion with counsel, but there was a
10 decision made that Professor Bekaert would not be removed from
11 communications about the tenure vote, and that's relevant
12 because he's receiving these communications, he knows when all
13 the meetings are happening, where they're happening, he's
14 received the personal statement from Professor Ravina that
15 talks about these claims and allegations, and I think there's
16 some evidence that he is responding to them and trying to act
17 on what he receives.

18 MS. PLEVAN: Maybe we don't have a dispute, your
19 Honor, because we only objected to 313/5 through 7.

20 THE COURT: Okay. That's fine then.

21 MS. PLEVAN: So if Mr. Melzer is saying he will take
22 that out, then --

23 THE COURT: Okay. Great.

24 MR. MELZER: We would be willing to do that if we go
25 to the end of the page at 25 to refer to -- that there was a

I7glrav8

1 decision made.

2 MS. PLEVAN: I'm only looking at what you designated.
3 So I don't know what you're -- you didn't designate --

4 MR. MELZER: We would agree to designate later in the
5 page to line 25, to refer to a decision being made without any
6 reference to counsel.

7 THE COURT: Are you all right with that, Ms. Plevan?

8 MS. PLEVAN: What you already have, 18 through 25;
9 starting at 18 through 25.

10 MR. MELZER: Yes, that's fine, your Honor.

11 MS. PLEVAN: We didn't object to that. We didn't
12 object to that.

13 THE COURT: All right. So there's no dispute on that.
14 And then lastly with Zeldes, 318.

15 MR. MELZER: Yes. The only thing that would be played
16 here is the word "No," so we're objecting under Rule 1006 as it
17 being under the rule of completeness.

18 MS. PLEVAN: The question should be included. That's
19 a typo.

20 THE COURT: Sorry. What's the dispute?

21 MS. PLEVAN: No, I think it was just supposed to be
22 the question above it, starting at line 17.

23 THE COURT: Yes. I'm sorry. I'm missing what the
24 objection is. If there's no objection to the follow-up of,
25 "No, no view is expressed, no view is expressed," what is the

I7g1rav8

1 dispute?

2 MR. MELZER: I don't think there is any longer. The
3 only designation was to the answer, the word "No."

4 THE COURT: Okay. But you'll include the question.

5 MR. MELZER: Correct.

6 THE COURT: Okay. So we're done on that.

7 As I said, I'll get back to you first thing in the
8 morning on the two excerpts that I reserved decision on.

9 So let's go next to Janet Horan. It seemed like many
10 of these objections were based on completeness, so you may have
11 to give me a little bit more context.

12 MS. HARWIN: Your Honor, before we proceed, it might
13 be helpful just to know if defendants are planning to call
14 Ms. Horan or not.

15 THE COURT: Are you planning to call Janet Horan?

16 MS. PLEVAN: Yes.

17 THE COURT: Yes. Okay.

18 All right. So the first objection is on 403 and
19 32(a)(3).

20 MS. HARWIN: With respect to 34 and 35, we have a
21 somewhat partial selection here, and there's also quite a bit
22 of testimony where she's just answering that she doesn't know
23 anything, which it wastes time, it doesn't add to anything.
24 She's just saying she doesn't know the answer to things.

25 THE COURT: All right. So from defendants'

I7g1rav8

1 perspective, what's the relevance of -- well, obviously I can
2 see the relevance of the first question and answer on 34,
3 lines 13 through 22.

4 MS. PLEVAN: She's asked earlier about the policy and
5 addressing complaints of discrimination. So --

6 THE COURT: But what's the relevance if she doesn't
7 know, if she says, it's not my possibility, I wouldn't know?

8 MS. PLEVAN: Okay. You may be right.

9 THE COURT: I mean --

10 MS. PLEVAN: It's been a while since I looked at this.

11 THE COURT: No, take your time. The questions that
12 she says she doesn't know of the policy or that it's not her
13 responsibility, that she doesn't know, I'm inclined to leave
14 that out.

15 MS. HARWIN: And your Honor, with respect to page 34,
16 I forgot to add, the first question is a question about, "What
17 trainings are personnel affiliated with the dean's office
18 required to participate in?" And the answer there is
19 nonresponsive. She says, "The dean and senior vice dean
20 organize in-person training for the faculty," which doesn't
21 address the question of what trainings the dean's office are
22 required to attend. So it's misleading and confusing.

23 THE COURT: Yes, I don't find that confusing. I think
24 the answer is pretty clear. So I'm going to leave in 13 to 22.
25 But again, I'm inclined not to include the questions to which

I7g1rav8

1 she just doesn't know the answer.

2 MS. PLEVAN: It might be useful for us to look this
3 one over.

4 THE COURT: Okay. We can talk about this tomorrow.
5 I'm not in a rush. I just want to get what you need to use.
6 So we can do that tomorrow. Feel free to look that over
7 tonight.

8 Do you want to talk about Katherine Phillips now or
9 tomorrow?

10 MS. PLEVAN: Sure, because she's going to do that one.

11 THE COURT: All right. So we'll talk about Katherine
12 Phillips. Okay.

13 MS. HARWIN: Your Honor, I just start with the same
14 question as to whether she is planning to testify, because that
15 might be helpful as we proceed.

16 THE COURT: Are you planning to call Ms. Phillips?

17 MS. FISCHER: Yes, your Honor.

18 THE COURT: As I said earlier, I just want to make
19 sure we're not introducing designations and then having someone
20 testify to the same thing, because as I said, I'm already
21 worried about this trial going over. We don't need both. I
22 understand if there's a need to cross-examine someone about
23 something, but we don't need to go over the very things that
24 she testifies to. Or any of the people for whom you're
25 designating the testimony. We don't need both the live

I7glrav8

1 testimony and the designations, if it's about the same thing.

2 If it's literally the same questions, we don't need both.

3 MS. FISCHER: I agree. I mean, I just don't know how
4 to address that because, you know, these are particularly, you
5 know -- Vice Dean Phillips and some of the others, Janet Horan,
6 they're going to be here and certainly, you know, the topics
7 that they testified to at deposition --

8 THE COURT: If they're here, you can ask them in
9 person.

10 MS. FISCHER: We agree.

11 THE COURT: And then you can use any depositions to
12 impeach them, but I don't think we should both be reading the
13 designations and be literally asking them the same questions.
14 Okay? I'm saying that to both sides. I don't know who's
15 asking for what, but I'm saying that to both sides. I don't
16 want to read the very questions that people are asked. Again,
17 you can still use it to impeach them, but we don't need to do
18 everything twice. And I'm worried we're already doing that in
19 this trial a little bit.

20 So, I mean, if that's the case, do we need to go over
21 this? Do you want to take a closer look tonight and let me
22 know tomorrow, given that you now know that she's going to
23 testify?

24 MS. HARWIN: Perhaps, your Honor, it would be helpful
25 just to go over plaintiff's designations if defendants may

I7g1rav8

1 withdraw their counterdesignations in light of her anticipated
2 testimony.

3 MS. FISCHER: Well --

4 THE COURT: But if defendants are going to ask her
5 these questions, then we don't need to designate it. It's the
6 same point. And I understand that once you rest, that if you
7 feel like something hasn't been read into the record that you
8 wanted, that you had designated, I understand that concern, but
9 again, I don't want to do things twice.

10 So how do you want to do this? Do you want to --

11 MS. HARWIN: We can confer with defendants.

12 THE COURT: Okay. Why don't you do that.

13 Okay. Good. So why don't we meet tomorrow. Let me
14 see what I have in the morning.

15 All right. So I'll see you tomorrow morning. I'll
16 let you know about those two excerpts that I haven't decided on
17 yet, and then you'll let me know if you've made any progress in
18 talking about Katherine Phillips or, for that matter, Janet
19 Horan. Okay?

20 All right. Have a nice evening.

21 ALL COUNSEL: Thank you.

22 (Adjourned to July 17, 2018, at 9:00 a.m.)
23
24
25

INDEX OF EXAMINATION

Examination of:	Page
MICHAEL K. DUNN	
Direct By Ms. Harwin . . . . .	.1181
Cross By Ms. Fischer . . . . .	.1278
Cross By Mr. Hernstadt . . . . .	.1388
Redirect By Ms. Harwin . . . . .	.1396
Recross By Ms. Fischer . . . . .	.1418
Recross By Mr. Hernstadt . . . . .	.1420

	DEFENDANT EXHIBITS																				
	Exhibit																				Received
1	C	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.1183
2																					
3	FG	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.1202
4	IT	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.1254
5	ET	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.1284
6	EG	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.1287
7	EH	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.1288
8	FI	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.1290
9	FS	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.1296
10	FV	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.1298
11	U	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.1301
12	GT	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.1325
13	GP	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.1326
14	HA	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.1329
15	V	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.1331
16	HU	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.1348
17	ID	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.1350
18	IF	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.1351
19	IG	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.1354
20	IO	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.1355
21	D	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.1355
22	IQ	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.1358
23	IU	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.1361
24	IR	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.1362
25	JB	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.1374

PLAINTIFF EXHIBITS

Exhibit No.	Received
17 . . . . .	.1186
31.1 . . . . .	.1188
33 . . . . .	.1195
50 . . . . .	.1201
65 . . . . .	.1203
75 . . . . .	.1204
63 . . . . .	.1205
87 . . . . .	.1209
55 . . . . .	.1210
76 . . . . .	.1211
77 . . . . .	.1213
66 . . . . .	.1221
49 . . . . .	.1239
64 . . . . .	.1242
69.1 . . . . .	.1259
69.2 . . . . .	.1263
69.3 . . . . .	.1264
69.5 . . . . .	.1265
69.6 . . . . .	.1267
69.7 . . . . .	.1268
69.4 . . . . .	.1269
80 . . . . .	.1346
85 . . . . .	.1422